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UNIVERSITY OF TORONTO

STANDING COMMITTEE

ON

RAILWAYS, CANALS AND
TELEGRAPH LINES

Chairman—H. B. McCULLOCH, ESQ.

MINUTES OF PROCEEDINGS AND EVIDENCE
No. 5

Bill No. 349 (H7 of the Senate), An Act to amend the
Shipping Act.

MONDAY, JULY 16, 1956

TUESDAY, JULY 17, 1956

Explanatory Statements by the Parliamentary Assistant to the
Minister of Transport

WITNESSES:

Mr. J. R. Baldwin, Deputy Minister; Alan Cumyn, Chief, Steamship Inspection Service and Chairman of the Board of Steamship Inspection; Department of Transport.

Mr. A. E. Driedger, Assistant Deputy Minister, Department of Justice.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1956.

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ON
RAILWAYS, CANALS AND TELEGRAPH LINES

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Antonio Plouffe,
Clerk of the Committee.

REPORT TO HOUSE

FRIDAY, July 20, 1956.

The Standing Committee on Railways, Canals and Telegraph Lines begs leave to present the following as its

TENTH REPORT

Your Committee has considered Bill No. 349, (H-7 of the Senate), an Act to amend the Shipping Act and has agreed to report it with amendments, namely:

Clause 9, page 4—

Section 119 to be deleted and the following substituted therefor:

Certificates
of service.

“119. (1) Every British subject who

- (a) served as a master of a home-trade, inland waters or minor waters steamship of over ten tons, gross tonnage, for a full period of twelve months within the ten years immediately preceding the date of his application for a certificate of service.
- (b) produces satisfactory evidence of his sobriety, experience, ability and general good conduct on board ship, and
- (c) passes the prescribed examination is entitled, on payment of the prescribed fee, to a certificate of service as master of a steamship not exceeding three hundred and fifty tons gross tonnage, not carrying passengers and not being a tug, within the limits prescribed by the Minister and specified in the certificate.

Prior
certificates.

(2) The holder of a certificate of service as master of a steamship not exceeding one hundred and fifty tons gross tonnage in force at the date of the coming into force of this subsection retains all the rights and privileges he had under that certificate immediately before that date.”

Clause 23, page 8—

Part VIIA, Section 495A to be deleted and the following substituted therefor:

Convention
approved.

“495A. (1) The International Convention for the Prevention of Pollution of the Sea by Oil, 1954, set out in the Fourteenth Schedule, (hereinafter called the Convention), is approved.

Regulations.

(2) The Governor in Council may make regulations

- (a) to carry out and give effect to the provisions of the Convention;
- (b) for regulating and preventing the pollution by oil from ships of any inland, minor or other waters of Canada; and
- (c) prescribing a fine not exceeding five hundred dollars or imprisonment not exceeding six months or both fine and imprisonment to be imposed upon summary conviction as a penalty for violation of a regulation made under this section”.

A copy of the Minutes of Proceedings and Evidence relating to the above Bill is appended hereto.

A copy of the Minutes of Proceedings and Evidence relating to Bill No. 212, An Act to amend the Telephone Act which was reported on July 19, is also appended.

Respectfully submitted,

H. B. McCULLOCH,
Chairman.

THE SENATE OF CANADA

BILL H⁷.

An Act to amend the Canada Shipping Act.

(No. 349. House of Commons)

as Referred to Committee

An Act to amend the Canada Shipping Act.

R.S. c. 29;
1952-53, c. 20.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Paragraph (17) of section 2 of the *Canada Shipping Act* is repealed and the following substituted therefor:

"Consular
officer."

"(17) "consular officer" means a consular officer of Canada or any person for the time being discharging the duties of a consular officer of Canada, and in the absence of a consular officer of Canada or such other person, means a consul-general, consul or vice-consul of the United Kingdom or any person for the time being discharging the duties of consul-general, consul or vice-consul of the United Kingdom; and when used in relation to a country other than Canada, "consular officer" means the officer recognized by Her Majesty as a consular officer of that country;"

2. Section 8 of the said Act is repealed and the following substituted therefor:

Exemption
from
registry.

"8. Ships not exceeding fifteen tons register tonnage employed solely in navigation on the lakes, rivers or coasts of Canada and pleasure yachts not exceeding fifteen tons register tonnage wherever employed or operated are exempted from registry under this Act."

3. The said Act is further amended by adding thereto, immediately after section 95 thereof, the following section:

Deductions
in special
cases.

"95A. (1) Notwithstanding section 95, where in the case of a ship to which this section applies the space solely occupied by and necessary for the proper working of the boilers and machinery is thirteen per cent or less of the gross tonnage of the ship, then in ascertaining the register tonnage of the ship the deduction allowable for that space under section 95

EXPLANATORY NOTES.

1. The present paragraph (17) reads as follows:

"(17) "consular officer" means a Canadian consular officer, or such other person as may be designated by the Governor in Council to perform the duties of a Canadian consular officer under this Act and, in the absence of a Canadian consular officer or of such other person, includes a British consul-general, consul and vice-consul, and any person for the time being discharging the duties of British consul-general, consul or vice-consul; when used in relation to a foreign country, it means the officer recognized by Her Majesty as a consular officer of that country;"

The purpose of the amendment is to include any person discharging the duties of a consular officer, without requiring a particular designation.

2. The present section 8 reads as follows:

"8. Ships not exceeding *ten* tons register tonnage employed solely in navigation on the lakes, rivers or coasts of Canada and pleasure yachts not exceeding *ten* tons register tonnage wherever employed or operated are exempted from registry under this Act."

The purpose of the amendment is to increase the tonnage from 10 to 15.

3. This provision is new. The purpose is to provide for engine room space allowance similar to that provided for in the *United Kingdom Merchant Shipping Act*.

	(a) shall be computed in accordance with subsection (2) of this section, but	
	(b) shall not be made unless the surveyor of ships is satisfied that the space provided for the working of the boilers and machinery and the ventilation and lighting of that space are adequate.	5
Amount of deduction.	(2) Subject to the limit imposed by paragraph (c) of subsection (1) of section 95, the amount of the deduction shall be as follows, namely,	
	(a) if the tonnage of the space solely occupied by and necessary for the proper working of the boilers and machinery is thirteen per cent of the gross tonnage of the ship, the amount shall be thirty-two per cent of that gross tonnage, and	10
	(b) if the tonnage of that space is less than thirteen per cent of the gross tonnage of the ship, the amount shall be thirty-two per cent of that gross tonnage proportionately reduced.	15
Paddle wheels.	(3) In relation to ships propelled by paddle wheels, subsection (1) has effect as if for the references to thirteen and thirty-two per cent there were substituted respectively references to twenty and thirty-seven per cent.	20
Application of section.	(4) This section applies	
	(a) to any ship the keel of which is laid after the coming into force of this section, and	25
	(b) if the owner has made a request in writing to that effect to the Minister of Transport, to any ship in respect of which the surveyor of ships is for the time being satisfied as mentioned in paragraph (b) of subsection (1).	30
Where deduction depends on surveyor being satisfied as to adequacy of space.	(5) Where the making of the deduction mentioned in subsection (1) or its computation in accordance with subsection (2) depends on the surveyor of ships being satisfied as mentioned in paragraph (b) of subsection (1), and the deduction	35
	(a) has been made and so computed but a surveyor of ships, on inspecting the ship, fails to be satisfied as mentioned in paragraph (b) of subsection (1), or	
	(b) has not been made or, as the case may be, has not been so computed, but a surveyor of ships, on inspecting the ship, is satisfied as mentioned in paragraph (b) of subsection (1),	40
	the surveyor shall inform the Minister and the register tonnage of the ship shall be altered accordingly."	

Repeal.

4. Section 112 of the said Act is repealed.

45

4. Section 112 reads as follows:

"112. Whenever the property in a ship or vessel so required to be licensed passes wholly into new hands, the master or the new owner or managing owner, or one of the new managing owners, if there are more than one, shall, within one month after such change of ownership as aforesaid, take out a new licence at some port or place in Canada, and, upon receiving the same, shall deliver up the former licence, if in his possession, to the chief officer of Customs at such port or place."

This section is no longer required in view of the regulations made under section 109.

5. Section 113 of the said Act is repealed and the following substituted therefor:

Return of
vessels
licensed.

"113. Every officer of Customs authorized by this Part to license ships and vessels shall make and forward to the Minister returns in such form and containing such particulars as the Minister directs of ships and vessels licensed by him." 5

6. Subsection (2) of section 115 of the said Act is repealed and the following substituted therefor:

Sufficient
engineers
for watch
periods.

"(2) Notwithstanding subsection (1), every steamship to which this section applies shall be provided with such number of engineers, duly certificated, as will ensure reasonable periods of watch, having due regard to the length of any voyage, and other related circumstances, and any such additional engineer may be a fourth class engineer, duly certificated, except that 10 15

- (a) if the steamship is principally employed in fishing, not carrying passengers, and the propelling machinery is internal combustion engines of not more than thirty nominal horse-power but more than fifteen nominal horse-power, any such additional engineer may be an engineer holding a certificate as a watchkeeping engineer of a motor-driven fishing vessel; and 20
- (b) if the steamship is principally employed in fishing, not carrying passengers, and the propelling machinery is internal combustion engines of not more than fifteen nominal horse-power, any such additional engineer need not be certificated." 25

7. (1) Paragraph (b) of subsection (4) of section 116 of the said Act is repealed and the following substituted therefor 30

"(b) steamship of under three hundred and fifty tons gross tonnage;"

(2) Section 116 of the said Act is further amended by adding thereto the following subsection:

Prior
certificates

"(7) A certificate for a steamship of under one hundred and fifty tons gross tonnage in force at the date of the coming into force of this subsection shall be deemed to be the equivalent of a certificate described in paragraph (b) of subsection (4), and the holder is entitled upon the surrender thereof to be granted a certificate as described in that paragraph." 35 40

8. Section 118 of the said Act is amended by striking out the word "and" at the end of paragraph (d) thereof, by inserting the word "and" at the end of paragraph (e) thereof, and by adding thereto the following paragraph: 45

"(f) a watchkeeping engineer of a motor-driven fishing vessel."

5. Section 113 reads as follows:

"113. Every officer of Customs authorized by this Part to license ships and vessels, shall, *on or before the 1st day of February in each year*, make and forward to the Minister a return in such form, and containing such particulars as the Minister, *from time to time*, directs, of all ships and vessels licensed by him *during the year ending on the 31st day of December then past.*"

Annual returns are no longer required, reports now being sent to the Minister otherwise than annually.

6. The present subsection (2) reads as follows:

"(2) Notwithstanding anything hereinbefore contained, every steamship to which this section applies shall be provided with such number of engineers, duly certificated, as will ensure reasonable periods of watch, having due regard to the length of any voyage, and other related circumstances, and any such additional engineer may be a fourth class engineer, duly certificated."

The purpose of the amendment is to relax the present requirements as regards certain fishing vessels.

7.(1) The present paragraph (b) reads as follows:

"(b) steamship of under *one hundred and fifty tons gross tonnage*;"

(2) New. This provision is self-explanatory.

8. This amendment is consequential to the amendments in clause 7.

Masters of
home-trade,
inland waters
or minor
waters
vessels.

9. Section 119 of the said Act is repealed and the following substituted therefor:

“**119.** (1) Every British subject who

(a) served as a master of a home-trade, inland waters or minor waters vessel of over ten tons, gross tonnage, for a full period of twelve months within the ten years immediately preceding the date of his application for a certificate of service, 5

(b) produces satisfactory evidence of his sobriety, experience, ability and general good conduct on board ship, 10 and

(c) passes the prescribed examination is entitled, on payment of the prescribed fee, and according to the waters served in, to either a home-trade, inland waters or minor waters certificate of service as master of a steamship not exceeding three hundred and fifty tons, gross tonnage, and not carrying passengers; such certificate is not valid on tugs. 15

Prior
certificates.

(2) A certificate of service as master of a steamship not exceeding one hundred and fifty tons gross tonnage in force at the date of the coming into force of this subsection shall for the waters mentioned therein be deemed to be the equivalent of a certificate described in subsection (1) for those waters, and the holder is entitled upon surrender thereof to be granted a certificate under subsection (1) for those waters.” 20 25

10. Paragraph (a) of subsection (1) of section 125 of the said Act is repealed and the following substituted therefor:

“(a) a vessel that is 30

(i) a passenger steamship certified to carry not more than forty passengers, or

(ii) a steamship other than a passenger steamship of not more than forty tons gross tonnage and employed in home-trade, inland or minor waters voyages, within the limits specified by the Minister, or”. 35

11. Section 128 of the said Act is repealed and the following substituted therefor:

Temporary
engineers.

“**128.** The Minister, upon the report of a steamship inspector, may grant a temporary certificate to any person sufficiently qualified in the opinion of the inspector to act as engineer in a steamship carrying passengers and propelled by an internal combustion engine of not more than four nominal horse power, or in the case of a steamship making 40

9. The present section 119 reads as follows:

“119. Every British subject who

- (a) served as a master of a home-trade, inland waters or minor waters *sailing ship* of over ten tons, gross tonnage, fitted with mechanical means of propulsion other than steam engines, before the 1st day of January, 1948, for a full period of twelve months within the ten years immediately preceding the date of his application for a certificate of service,
- (b) produces satisfactory evidence of his sobriety, experience, ability and general good conduct on board ship, and
- (c) passes the prescribed examination

is entitled, on payment of the prescribed fee, and according to the waters served in, to either a home-trade, inland waters or minor waters certificate of service as master of a steamship of over ten tons, gross tonnage, and not exceeding *one hundred and fifty* tons, gross tonnage, and not carrying passengers; such certificate is not valid on tugs.”

The purpose of the amendment is to apply the section to all vessels up to 350 tons gross tonnage.

10. There is no change from the present provision. In the last printing of the statutes the concluding words were erroneously included within subparagraph (ii).

11. The present section 128 reads as follows:

“128. The Minister, upon the report of a steamship inspector, may grant a temporary certificate to any person sufficiently qualified in the opinion of such inspector to act as engineer in a steamship carrying passengers and having an engine of not more than four nominal horse power, *or, if the engine is of the compound type, of not more than fourteen nominal horse power*, and such certificate is valid only in respect of the steamship named therein whilst employed within the limits specified in the certificate, and for a period not exceeding one year from the date of issue.”

Experience has shown that the limit of four nominal horse power is too low in the case of ships making home-trade voyages Class IV, or minor waters voyages Class II.

home-trade voyages, Class IV, or minor waters voyages, Class II, propelled by an internal combustion engine of not more than six nominal horse power, and such certificate is valid only in respect of the steamship named therein while employed within the limits specified in the certificate, and for a period not exceeding one year from the date of issue.” 5

12. Paragraphs (n) and (o) of section 329 of the said Act are repealed and the following substituted therefor:
“(n) limit the period during which any licence to a pilot shall be in force; 10
(o) renew for a further limited term any licence issued for a limited period pursuant to paragraph (n); and”.

Limit period
of licence.

Renewal.

13. The heading immediately preceding section 353 of the said Act is repealed and the following substituted therefor: 15
“Rights and Liabilities of Pilots.”

14. (1) Paragraph (a) of subsection (1) of section 354 of the said Act is repealed and the following substituted therefor:
“(a) when the pilotage authority of the district has indicated to the master of the ship that a licensed pilot is not available; and”.

(2) Subsection (3) of section 354 of the said Act is repealed and the following substituted therefor:
“(3) Except as provided in subsection (1) 25
(a) a person other than a licensed pilot shall not act as pilot of a ship; and
(b) a master of a ship shall not employ as a pilot any person who is not a licensed pilot.”

Prohibitions.

15. Section 356 of the said Act is repealed and the following substituted therefor: 30
“356. Every person who violates subsection (3) of section 354 is liable to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding one month.” 35

Penalty.

16. Section 357 of the said Act is repealed and the following substituted therefor:
“357. (1) Where, in a pilotage district in which the payment of pilotage dues is compulsory, the master of a ship that is not an exempted ship removes such ship or causes such ship to be removed from one place to another within any pilotage district, without the assistance of a 40

Payment of
dues for ship
moved with-
out pilot.

12. Paragraphs (n) and (o) read as follows:

- “(n) limit the period during which any licence to a pilot shall be in force to a term not less than two years from its date;
 (o) renew for a further limited term, not less than two years, any licence issued for a limited period pursuant to paragraph (n); and”

The purpose of the amendment is to delete the limitation of two years.

14. (1) The present subsection (1) reads as follows:

- “354. (1) Any person may, within any pilotage district for which he is not a licensed pilot, without subjecting himself or his employer to any penalty, pilot a ship,
 (a) when no licensed pilot for such district has offered to pilot such ship, or made a signal for that purpose, although the master of the ship has displayed and continued to display the signal for a pilot in this Part provided, whilst within the limits prescribed for that purpose, and
 (b) when a ship is in distress, or under circumstances making it necessary for the master to avail himself of the best assistance which can be found at the time.”

The purpose of the amendment is to bring the provision into line with current practices.

(2) This is new and is intended to provide a penalty for employing an unlicensed pilot otherwise than as permitted in subsection (1) of section 354 quoted above.

15. The present section 356 reads as follows:

- “356. Every unlicensed pilot who continues in the charge of a ship in any district after a licensed pilot has offered, by showing his proper signal and exhibiting his licence, to take charge of her, is liable to a fine not exceeding one hundred dollars and, in default of payment, to imprisonment for one month.”

This amendment is consequential upon the addition of the proposed new subsection (3) to section 354.

16. The present section reads as follows:

- “357. (1) Where any master of a ship that is not an exempted ship removes such ship or causes such ship to be removed from one place to another within any pilotage district, without the assistance of a licensed pilot for such district, he shall pay to the pilotage authority the same pilotage dues as he would have been liable to pay if he had obtained the assistance of one of such licensed pilots.
 (2) This provision does not apply to the master of any ship actually proceeding to or coming from Montreal or elsewhere above the harbour of Quebec, in charge of a licensed pilot for the pilotage district of Montreal.”

licensed pilot for such district, he shall pay to the pilotage authority the same pilotage dues as he would have been liable to pay if he had obtained the assistance of one of such licensed pilots.

Exception. (2) Subsection (1) does not apply to the master of a ship that is moved from one berth to another solely by means of her mooring lines unless the pilotage authority otherwise provides by by-law." 5

Repeal. 17. The heading immediately preceding section 358 of the said Act is repealed. 10

18. Section 477 of the said Act is amended by adding thereto the following subsections:

Barge, etc., used to carry crew making voyages over 15 miles from land. (3) Where any barge, scow or like vessel carries a crew but not passengers, and is towed by a steamship and is not moved by sails or oars, such barge, scow or like vessel, if making a voyage more than fifteen miles from land, is subject to inspection and to the regulations made under this Part in respect of hulls and equipment, life saving equipment, fire extinguishing equipment, boilers and compressed air tanks, in like manner and under the same conditions as a steamship; such vessels are required to have a certificate of inspection, in a form approved by the Minister, and are subject to all the provisions of this Part in respect of the payment of fees, detention and penalties. 15 20

Voyages not over 15 miles from land. (4) Where any barge, scow or like vessel carries a crew but not passengers, and is towed by a steamship or is operated on a cable and is not moved by sails or oars, such barge, scow or like vessel, if making voyages not more than fifteen miles from land, is subject to inspection of boilers and compressed air tanks and to the regulations made under this Part concerning life saving equipment, fire extinguishing equipment, boilers and compressed air tanks, in like manner and under the same conditions as a steamship; where inspection of boilers or compressed air tanks is required the vessel is required to have a certificate of inspection, in a form approved by the Minister, and is subject to all the provisions of this Part in respect of payment of fees, detention and penalties." 25 30 35

19. Section 478 of the said Act is repealed and the following substituted therefor: 40

Boilers on dredges, etc., subject to inspection. "478. (1) Where any dredge, rock drill, floating elevator, floating pile driver, or like ship or vessel, which is not self-propelling, has a boiler or compressed air tank fitted for power purposes, such boiler or compressed air tank

Subsection (1) is applicable only to pilotage districts in which the payment of pilotage dues is compulsory.

The present subsection (2) no longer has any application. The proposed new subsection (2) is intended to ensure that pilotage dues are not ordinarily payable where a vessel is moved from one berth to another, solely by means of her mooring lines without the use of a pilot.

18. These provisions are new. The purpose of the amendment is to make applicable to towed barges carrying crews, but no passengers, additional safety regulations.

19. Section 478 now reads as follows:

"478. Where any dredge, rock drill, floating elevator, floating pile driver, or like ship or vessel, which is not self-propelling, has a boiler fitted for power purposes, the boiler is subject to inspection in like manner and under the same conditions as the boiler in a steamship, and such dredge or other such vessel shall carry life saving equipment in accordance with regulations *in respect thereof which the Governor in Council may make*; such vessels are required to have certificates of inspection, in a form approved by the Minister and are subject to all the provisions of this Part in respect of the payment of fees, detention and penalties."

The purpose of the amendment is to provide for the inspection of compressed air tanks where diesel power is used and for carrying fire extinguishing equipment.

is subject to inspection in a like manner and under the same conditions as a boiler or compressed air tank in a steamship; and any dredge, rock drill, floating pile driver or like ship or vessel shall carry life saving and fire extinguishing equipment in accordance with regulations made under this Part; every such vessel is required to have a certificate of inspection, in a form approved by the Minister, and is subject to all the provisions of this Part in respect to payment of fees, detention and penalties. 5

Carrying crew and being towed.

(2) Where any dredge, rock drill, floating elevator, floating pile driver, or like ship or vessel carries a crew and is towed by a steamship it is, if making a voyage of more than fifteen miles from land, subject to the provisions of subsection (3) of section 477.” 10

Repeal.

20. Section 479 of the said Act is repealed. 15

1952-53, c. 20, s. 10.

21. Section 481 of the said Act is repealed and the following substituted therefor:

Steamships not over 5 tons, pleasure yachts.

“481. Steamships not in excess of five tons gross tonnage, and pleasure yachts propelled by mechanical power but not fitted with boilers for propelling purposes, are exempt from annual inspection and from the regulations made under this Part except those respecting life saving equipment, fire extinguishing equipment, and precautions against fire.” 20

Exemption.

22. Subsections (1) and (2) of section 482 of the said Act are repealed and the following substituted therefor: 25

“482. (1) Subject to the provisions of subsection (2) steamships in excess of five tons, gross tonnage, and not in excess of one hundred and fifty tons, gross tonnage, which are not passenger steamships, are exempt from the provisions of this Part relating to annual inspection and in lieu therefor shall be inspected every fourth year, and such steamships, if propelled by steam, are in addition to such inspection every fourth year subject to inspection of their boilers, life saving equipment and fire extinguishing equipment annually, in like manner and as if they were steamships in excess of one hundred and fifty tons, gross tonnage. 30

Idem.

(2) Steamships not in excess of fifteen tons, gross tonnage, which are not passenger steamships, are exempt from inspection except that such steamships, if propelled by steam, are subject to inspection of their boilers, life saving equipment and fire extinguishing equipment as provided for in subsection (1).” 40

20. The present section 479 reads as follows:

"479. Where any vessel has a boiler fitted for any purposes other than propelling purposes, the boiler is subject to inspection in accordance with regulations made by the Governor in Council, and the vessel is required to have a certificate of inspection in respect thereof in a form approved by the Minister."

The inspection of boilers other than those fitted for propelling purposes will be provided for in the proposed amendments to section 477 and 478.

21. Section 481 now reads as follows:

"481. Steamships not in excess of five tons gross tonnage, pleasure yachts propelled by mechanical power but not fitted with boilers for propelling purposes, and tow barges that carry a crew but not passengers, are exempt from annual inspection, and from the regulations the Governor in Council may make under the provisions of section 410 except as concerns life saving equipment, fire extinguishing equipment and precautions against fire, and inspection of boilers as required by section 479."

The amendment would delete reference to towed barges because these will be dealt with in the proposed new sections 477 and 478.

22. Subsections (1) and (2) of section 482 now read as follows:

"482. (1) Subject to the provisions of subsection (2), steamships in excess of five tons, gross tonnage, and not in excess of one hundred and fifty tons, gross tonnage, which are not passenger steamships, are exempt from the provisions of this Part relating to annual inspection, and in lieu thereof shall be inspected every fourth year; and such steamships, if propelled by steam, are, in addition to such inspection every fourth year, subject to inspection of their boilers and life saving equipment annually in like manner and as if they were steamships in excess of one hundred and fifty tons gross tonnage.

(2) Steamships not in excess of fifteen tons, gross tonnage, which are not passenger steamships, are exempt from inspection, except that such steamships, if propelled by steam, are subject to inspection of their boilers and life saving equipment as provided for in subsection (1)."

The purpose of the amendment is to provide for the annual inspection of fire extinguishing equipment.

23. Section 493 of the said Act is repealed and the following substituted therefor:

Penalty.

"493. Except where otherwise specially provided in this Part, the owner or master of any Canadian ship is liable to a fine not exceeding one hundred dollars for any violation of any provision of this Part or any regulation made thereunder."

5

24. Subsection (3) of section 494 of the said Act is repealed and the following substituted therefor:

Certain products not considered cargo.

"(3) Fish and the products of whaling trips and sealing trips shall not, for the purposes of this Part, be considered cargo of steamships employed in fishing, whaling or sealing."

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25. The said Act is further amended by adding thereto, immediately after Part VII thereof, the following Part:

"PART VIIA

OIL POLLUTION.

Regulations.

495A. The International Convention for the Prevention of Pollution of the Sea by Oil, 1954, set out in the Fourteenth Schedule, is approved, and the Governor in Council may make regulations

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(a) to carry out and give effect to the provisions of the Convention while in force in respect of Canada, such regulations to conform in all respects to the said provisions;

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(b) for regulating and preventing the pollution by oil from ships of any inland, minor or other waters of Canada; and

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(c) prescribing a fine not exceeding five hundred dollars or imprisonment not exceeding six months or both fine and imprisonment to be imposed upon summary conviction as a penalty for violation of a regulation made under this section."

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26. Subsection (4) of section 558 of the said Act is repealed and the following substituted therefor:

Exemption.

"(4) Subsection (3) does not apply in the case of a shipping casualty that occurs on or near the coast of Canada or in respect of a ship wholly engaged in the coasting trade of Canada."

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23. Section 493 reads as follows:

"493. Except where otherwise specially provided in this Part, the owner or master of any Canadian ship is liable to a fine not exceeding one hundred dollars *and not less than fifty dollars* for any violation of any provision of this Part or regulation made thereunder."

The purpose of the amendment is to eliminate the minimum penalty.

24. The present subsection reads as follows:

"(3) Fish and the products of whaling trips shall not, for the purposes of this Part, be considered cargo of steamships employed in fishing or whaling."

The purpose of the amendment is to exclude from cargo the products of sealing trips.

25. This Part is new and provides for the implementation of the International Convention for the Prevention of Pollution of the Sea by Oil, and also enables the Governor in Council to make regulations to prevent such pollution in Canadian waters.

26. The present subsection (4) reads as follows:

"(4) *This section* does not apply in the case of a shipping casualty that occurs on or near the coast of Canada or occurs in respect of a ship wholly engaged in the coasting trade of Canada."

The subsection should refer only to subsection (3) and not to the whole section.

27. Subsections (4) and (5) of section 645 of the said Act are repealed and the following substituted therefor:

Regulations.

“(4) The Governor in Council may by order or regulation provide

(a) for the government and regulation of any part or 5
parts of the inland, minor or other waters of Canada,

(b) for the licensing of operators of vessels on such waters,
and

(c) for the enforcement of any such order or regulation.

(5) Any rule, regulation or order made under this section 10
may provide for a fine not exceeding five hundred dollars for
contravention of or non-compliance with any provision
thereof.”

28. Section 719 of the said Act is amended by adding
thereto the following subsection: 15

“(3) A reference in this section to any part of Her Ma-
jesty’s dominions other than Canada shall be construed as
including a reference to the United Kingdom.”

29. ‘The said Act is further amended by adding thereto
the following Schedule: 20

“FOURTEENTH SCHEDULE.

THE INTERNATIONAL CONVENTION FOR THE PREVENTION
OF POLLUTION OF THE SEA BY OIL, 1954.

27. The present subsections (4) and (5) read as follows:

"(4) The Governor in Council may by order or regulation provide for the government and regulation of any part or parts of the minor waters of Canada defined or described therein and may provide for the enforcement of such order or regulation.

(5) Any rule, regulation or order so made may provide for a fine not exceeding five hundred dollars for contravention of or non-compliance with any provision thereof, and, in case any such provision is made, it has effect as if in and by this Act enacted."

The purpose of the amendment is to cover other waters of Canada and to provide for the licensing of operators of vessels on such waters.

28. Section 719 provides for reciprocal services relating to British ships, but the reference to "Her Majesty's dominions other than Canada" apparently does not include the United Kingdom itself, and the purpose of the amendment is to make sure it does.

29. This clause would add the Convention referred to in clause 26 as a Schedule to the Act.

THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION
OF THE SEA BY OIL, 1954.

London, May 12, 1954.

The Governments represented at the International Conference on Pollution of the Sea by Oil held in London from 26th April, 1954, to 12th May, 1954.

Desiring to take action by common agreement to prevent pollution of the sea by oil discharged from ships, and considering that this end may best be achieved by the conclusion of a Convention,

Have accordingly appointed the undersigned plenipotentiaries, who, having communicated their full powers, found in good and due form, have agreed as follows:—

ARTICLE I.

(1) For the purposes of the present Convention, the following expressions shall (unless the context otherwise requires) have the meanings hereby respectively assigned to them, that is to say:—

“The Bureau” has the meaning assigned to it by Article XXI;

“Discharge” in relation to oil or to an oily mixture means any discharge or escape howsoever caused;

“Heavy diesel oil” means marine diesel oil, other than those distillates of which more than 50 per cent. by volume distils at a temperature not exceeding 340°C. when tested by A.S.T.M. Standard Method D.158/53;

“Mile” means a nautical mile of 6080 feet or 1852 metres;

“Oil” means crude oil, fuel oil, heavy diesel oil and lubricating oil, and “oily” shall be construed accordingly.

(2) For the purposes of the present Convention the territories of a Contracting Government mean the territory of the country of which it is the Government and any other territory for the international relations of which the Government is responsible and to which the Convention shall have been extended under Article XVIII.

ARTICLE II.

The present Convention shall apply to sea-going ships, registered in any of the territories of a Contracting Government, except

- (i) ships for the time being used as naval auxiliaries;
- (ii) ships of under 500 tons gross tonnage;
- (iii) ships for the time being engaged in the whaling industry;
- (iv) ships for the time being navigating the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of the Lachine Canal at Montreal in the Province of Quebec, Canada.

ARTICLE III.

(1) Subject to the provisions of Articles IV and V, the discharge from any tanker, being a ship to which the Convention applies, within any of the prohibited zones referred to in Annex A to the Convention in relation to tankers of—

(a) oil;

(b) an oily mixture the oil in which fouls the surface of the sea, shall be prohibited.

For the purposes of this paragraph the oil in an oily mixture of less than 100 parts of oil in 1,000,000 parts of the mixture shall not be deemed to foul the surface of the sea.

(2) Subject to the provisions of Articles IV and V, any discharge into the sea from a ship, being a ship to which the Convention applies and not being a tanker, of oily ballast water or tank washings shall be made as far as practicable from land. As from a date three years after the date on which the Convention comes into force, paragraph (1) of this Article shall apply to ships other than tankers as it applies to tankers, except that:—

(a) the prohibited zones in relation to ships other than tankers shall be those referred to as such in Annex A to the Convention; and

(b) the discharge of oil or of an oily mixture from such a ship shall not be prohibited when the ship is proceeding to a port not provided with such reception facilities as are referred to in Article VIII.

(3) Any contravention of paragraphs (1) and (2) of this Article shall be an offence punishable under the laws of the territory in which the ship is registered.

ARTICLE IV.

(1) Article III shall not apply to:—

(a) the discharge of oil or of an oily mixture from a ship for the purpose of securing the safety of the ship, preventing damage to the ship or cargo, or saving life at sea; or

(b) the escape of oil, or of an oily mixture, resulting from damage to the ship or unavoidable leakage, if all reasonable precautions have been taken after the occurrence of the damage or discovery of the leakage for the purpose of preventing or minimising the escape;

(c) the discharge of sediment:—

(i) which cannot be pumped from the cargo tanks of tankers by reason of its solidity; or

(ii) which is residue arising from the purification or clarification of oil fuel or lubricating oil,

provided that such discharge is made as far from land as is practicable.

(2) In the event of such discharge or escape as is referred to in this Article a statement shall be made in the oil record book required by Article IX of the circumstances of and reason for the discharge.

ARTICLE V.

Article III shall not apply to the discharge from the bilges of a ship:—

- (a) of any oily mixture during the period of twelve months following the date on which the Convention comes into force in respect of the territory in which the ship is registered;
- (b) after the expiration of such period, of any oily mixture containing no oil other than lubricating oil.

ARTICLE VI.

The penalties which may be imposed in pursuance of Article III under the law of any of the territories of a Contracting Government in respect of the unlawful discharge from a ship of oil or of an oily mixture into waters outside the territorial waters of that territory shall not be less than the penalties which may be imposed under the law of that territory in respect of the unlawful discharge of oil or of an oily mixture from a ship into such territorial waters.

ARTICLE VII.

As from a date twelve months after the present Convention comes into force in respect of any of the territories of a Contracting Government all ships registered in that territory shall be required to be so fitted as to prevent the escape of fuel oil or heavy diesel oil into bilges the contents of which are discharged into the sea without being passed through an oily-water separator.

ARTICLE VIII.

As from a date three years after the present Convention comes into force in respect of any of the territories of a Contracting Government, that Government shall ensure the provision in each main port in that territory of facilities adequate for the reception, without causing undue delay to ships, of such residues from oily ballast water and tank washings as would remain for disposal by ships, other than tankers, using the port, if the water had been separated by the use of an oily-water separator, a settling tank or otherwise. Each Contracting Government shall from time to time determine which ports are the main ports in its territories for the purposes of this Article, and shall notify the Bureau in writing accordingly indicating whether adequate reception facilities have been installed.

ARTICLE IX.

(1) There shall be carried in every ship to which the Convention applies an oil record book (whether as part of the ship's official log-book or otherwise) in the form specified in Annex B to the present Convention. The appropriate entries shall be made in that book, and each page of the book, including any statement under paragraph (2) of Article IV, shall be signed by the officer or officers in charge of the operations concerned and by the master of the ship. The written entries in the oil record book shall be in an official language of the territory in which the ship is registered, or in English or French.

(2) The competent authorities of any of the territories of a Contracting Government may inspect on board any such ship while within a port in that territory the oil record book required to be carried in the ship in compliance with the provisions of the Convention, and may make a true copy of any entry in that book and may require the master of the ship to certify that the copy is a true copy of such entry. Any copy so made which purports to have been certified by the master of the ship as a true copy of an entry in the ship's oil record book shall be made admissible in any judicial proceedings as evidence of the facts stated in the entry. Any action by the competent authorities under this paragraph shall be taken as expeditiously as possible and the ship shall not be delayed.

ARTICLE X.

(1) Any Contracting Government may furnish to the Contracting Government in the territory of which a ship is registered particulars in writing of evidence that any provision of the Convention has been contravened in respect of that ship, wheresoever the alleged contravention may have taken place. If it is practicable to do so, the competent authorities of the former Government shall notify the master of the ship of the alleged contravention.

(2) Upon receiving such particulars the latter Government shall investigate the matter, and may request the former Government to furnish further or better particulars of the alleged contravention. If the Government in the territory of which the ship is registered is satisfied that sufficient evidence is available in the form required by law to enable proceedings against the owner or master of the ship to be taken in respect of the alleged contravention, it shall cause such proceedings to be taken as soon as possible, and shall inform the other Contracting Government and the Bureau of the result of such proceedings.

ARTICLE XI.

Nothing in the present Convention shall be construed as derogating from the powers of any Contracting Government to take measures within its jurisdiction in respect of any matter to which the Convention relates or as extending the jurisdiction of any Contracting Government.

ARTICLE XII.

Each Contracting Government shall send to the Bureau and to the appropriate organ of the United Nations:—

- (a) the text of laws, decrees, orders and regulations in force in its territories which give effect to the present Convention;
- (b) all official reports or summaries of official reports in so far as they show the results of the application of the provisions of the Convention, provided always that such reports or summaries are not, in the opinion of that Government, of a confidential nature.

ARTICLE XIII.

Any dispute between Contracting Governments relating to the interpretation or application of the present Convention which cannot be settled by negotiation shall be referred at the request of either party to the International Court of Justice for decision unless the parties in dispute agree to submit it to arbitration.

ARTICLE XIV.

(1) The present Convention shall remain open for signature for three months from this day's date and shall thereafter remain open for acceptance.

(2) Governments may become parties to the Convention by—

- (i) signature without reservation as to acceptance;
- (ii) signature subject to acceptance followed by acceptance; or
- (iii) acceptance.

(3) Acceptance shall be effected by the deposit of an instrument of acceptance with the Bureau, which shall inform all Governments that have already signed or accepted the Convention of each signature and deposit of an acceptance and of the date of such signature or deposit.

ARTICLE XV.

(1) The present Convention shall come into force twelve months after the date on which not less than ten Governments have become parties to the Convention, including five Governments of countries each with not less than 500,000 gross tons of tanker tonnage.

(2)–(a) For each Government which signs the Convention without reservation as to acceptance or accepts the Convention before the date on which the Convention comes into force in accordance with paragraph (1) of this Article it shall come into force on that date. For each Government which accepts the Convention on or after that date, it shall come into force three months after the date of the deposit of that Government's acceptance.

(b) The Bureau shall, as soon as possible, inform all Governments which have signed or accepted the Convention of the date on which it will come into force.

ARTICLE XVI.

(1) Upon the request of any Contracting Government a proposed amendment of the present Convention shall be communicated by the Bureau to all Contracting Governments for consideration.

(2) Any amendment communicated to Contracting Governments for consideration under paragraph (1) of this Article shall be deemed to have been accepted by all Contracting Governments and shall come into force on the expiration of a period of six months after it has been so communicated, unless any one of the Contracting Governments shall have made a declaration not less than two months before the expiration of that period that it does not accept the amendment.

(3)-(a) A conference of Contracting Governments to consider amendments of the Convention proposed by any Contracting Government shall be convened by the Bureau upon the request of one-third of the Contracting Governments.

(b) Every amendment adopted by such a conference by a two-thirds majority vote of the Contracting Governments represented shall be communicated by the Bureau to all Contracting Governments for their acceptance.

(4) Any amendment communicated to Contracting Governments for their acceptance under paragraph (3) of this Article shall come into force for all Contracting Governments, except those which before it comes into force make a declaration that they do not accept the amendment, twelve months after the date on which the amendment is accepted by two-thirds of the Contracting Governments.

(5) Any declaration under this Article shall be made by a notification in writing to the Bureau which shall notify all Contracting Governments of the receipt of the declaration.

(6) The Bureau shall inform all signatory and Contracting Governments of any amendments which come into force under this Article, together with the date on which such amendments shall come into force.

ARTICLE XVII.

(1) The present Convention may be denounced by any Contracting Government at any time after the expiration of a period of five years from the date on which the Convention comes into force for that Government.

(2) Denunciation shall be effected by a notification in writing addressed to the Bureau, which shall notify all the Contracting Governments of any denunciation received and of the date of its receipt.

(3) A denunciation shall take effect twelve months, or such longer period as may be specified in the notification, after its receipt by the Bureau.

ARTICLE XVIII.

(1)-(a) Any Government may, at the time of signature or acceptance of the present Convention, or at any time thereafter, declare by notification in writing given to the Bureau that the Convention shall extend to any of the territories for whose international relations it is responsible.

(b) The Convention shall, from the date of the receipt of the notification, or from such other date as may be specified in the notification, extend to the territories named therein.

(2)-(a) Any Contracting Government which has made a declaration under paragraph (1) of this Article may, at any time after the expiration of a period of five years from the date on which the Convention has been so extended to any territory, give notification in writing to the Bureau, declaring that the Convention shall cease to extend to any such territory named in the notification.

(b) The Convention shall cease to extend to any territory mentioned in such notification twelve months, or such longer period as may be specified therein, after the date of receipt of the notification by the Bureau.

(3) The Bureau shall inform all Contracting Governments of the extension of the Convention to any territories under paragraph (1) of this Article, and of the termination of any such extension under paragraph (2) of this Article, stating in each case the date from which the Convention has been, or will cease to be, so extended.

ARTICLE XIX.

(1) In case of war or other hostilities, a Contracting Government which considers that it is affected, whether as a belligerent or as a neutral, may suspend the operation of the whole or any part of the present Convention in respect of all or any of its territories. The suspending Government shall immediately give notice of any such suspension to the Bureau.

(2) The suspending Government may at any time terminate such suspension and shall in any event terminate it as soon as it ceases to be justified under paragraph (1) of this Article. Notice of such termination shall be given immediately to the Bureau by the Government concerned.

(3) The Bureau shall notify all Contracting Governments of any suspension or termination of suspension under this Article.

ARTICLE XX.

As soon as the present Convention comes into force it shall be registered by the Bureau with the Secretary-General of the United Nations.

ARTICLE XXI.

The duties of the Bureau shall be carried out by the Government of the United Kingdom of Great Britain and Northern Ireland unless and until the Inter-Governmental Maritime Consultative Organisation comes into being and takes over the duties assigned to it under the Convention signed at Geneva on the 6th day of March, 1948, and thereafter the duties of the Bureau shall be carried out by the said Organisation.

*In witness whereof the undersigned plenipotentiaries have signed the present Convention.

Done in London this twelfth day of May, 1954, in English and French, both texts being equally authoritative, in a single copy, which shall be deposited with the Bureau and of which the Bureau shall transmit certified copies to all signatory and Contracting Governments.

For the Government of Australia:

For the Government of Belgium:

M. A. VAN BOECKEL.

(Subject to acceptance.)

For the Government of Brazil:

For the Government of Canada:

ALAN CUMYN.

(Subject to ratification.)

For the Government of Ceylon:

For the Government of Chile:

For the Government of Denmark:

MOGENS' BLACH.

(Subject to acceptance.)

For the Government of Finland:

S. SUNDMAN.

(Subject to acceptance.)

For the Government of France:

For the Government of the Federal Republic of Germany:

KARL SCHUBERT.

(Subject to acceptance.)

* In accordance with Article XIV the Convention remains open for signature for three months from 12th May, 1954. The signatures shown are those which have been appended up to 1st July, 1954.

For the Government of Greece:

M. SAKARIS.

KOSTAS LYRAS.

(Subject to acceptance.)

For the Government of India:

For the Government of Ireland:

For the Government of Israel:

For the Government of Italy:

GIULIO INGIANNI.

(Subject to acceptance.)

For the Government of Japan:

For the Government of Liberia:

GEORGE B. STEVENSON.

S. EDWARD PEAL.

(Subject to acceptance or ratification by the
President with the advice and consent of
the Liberian Senate.)

For the Government of Mexico:

For the Government of the Netherlands:

For the Government of New Zealand:

For the Government of Nicaragua:

For the Government of Norway:

SIGURD STORHAUG.

(Subject to acceptance.)

For the Government of Panama:

For the Government of Poland:

For the Government of Portugal:

For the Government of Spain:

For the Government of Sweden:

G. BÖÖS.

(Subject to acceptance.)

For the Government of the Union of Soviet Socialist Republics:

For the Government of the United Kingdom of Great Britain and
Northern Ireland:

GILMOUR JENKINS.

PERCY FAULKNER.

(Subject to acceptance.)

For the Government of the United States of America:

For the Government of Venezuela:

For the Government of Yugoslavia:

PREDRAG NIKOLIĆ.

(Subject to acceptance.)

ANNEX A.

PROHIBITED ZONES.

(1) Subject to paragraph (3) of this Annex, the prohibited zones in relation to tankers shall be all sea areas within 50 miles from land, with the following exceptions:—

(a) The Adriatic Zones.

Within the Adriatic Sea the prohibited zones off the coast of Italy and Yugoslavia respectively shall each extend for a distance of 30 miles from land, excepting only the island of Vis. When the present Convention has been in force for a period of three years the said zones shall each be extended by a further 20 miles in width unless the two Governments agree to postpone such extension. In the event of such an agreement the said Governments shall notify the Bureau accordingly not less than three months before the expiration of such period of three years and the Bureau shall notify all Contracting Governments of such agreement.

(b) The North Sea Zone.

The North Sea Zone shall extend for a distance of 100 miles from the coasts of the following countries:—

Belgium,
Denmark,
the Federal Republic of Germany,
the Netherlands,
the United Kingdom of Great Britain and Northern Ireland,

but not beyond the point where the limit of a 100-mile zone off the west coast of Jutland intersects the limit of the 50-mile zone off the coast of Norway.

(c) The Atlantic Zone.

The Atlantic Zone shall be within a line drawn from a point on the Greenwich meridian 100 miles in a north-north-easterly direction from the Shetland Islands; thence northwards along the Greenwich meridian to latitude 64° north; then westwards along the 64th parallel to longitude 10° west; thence to latitude 60° north, longitude 14° west; thence to latitude $54^{\circ} 30'$ north, longitude 30° west; thence to latitude $44^{\circ} 20'$ north, longitude 30° west; thence to latitude 48° north, longitude 14° west; thence eastwards along the 48th parallel to a point of intersection with the 50-mile zone off the coast of France. Provided that in relation to voyages which do not extend seawards beyond the Atlantic Zone as defined above, and which are to ports not provided with adequate facilities for the reception of oily residue, the Atlantic Zone shall be deemed to terminate at a distance of 100 miles from land.

(d) The Australian Zone.

The Australian Zone shall extend for a distance of 150 miles from the coasts of Australia, except off the north and west coasts of the Australian mainland between the point opposite Thursday Island and the point on the west coast at 20° south latitude.

(2) Subject to paragraph (3) of this Annex the prohibited zones in relation to ships other than tankers shall be all sea areas within 50 miles from land with the following exceptions:—

(a) The Adriatic Zones.

Within the Adriatic Sea the prohibited zones off the coasts of Italy and Yugoslavia respectively shall each extend for a distance of 20 miles from land, excepting only the island of Vis. After the expiration of a period of three years following the application of prohibited zones to ships other than tankers in accordance with paragraph (2) of Article III the said zones shall each be extended by a further 30 miles in width unless the two Governments agree to postpone such extension. In the event of such an agreement the said Governments shall notify the Bureau accordingly not less than three months before the expiration of such period of three years, and the Bureau shall notify all Contracting Governments of such agreement.

(b) The North Sea and Atlantic Zones.

The North Sea and Atlantic Zones shall extend for a distance of 100 miles from the coasts of the following countries:—

Belgium
Denmark
the Federal Republic of Germany
Ireland
the Netherlands
the United Kingdom of Great Britain and Northern Ireland,

but not beyond the point where the limit of a 100-mile zone off the west coast of Jutland intersects the limit of the 50-mile zone off the coast of Norway.

(3)—(a.) Any Contracting Government may propose:—

- (i) the reduction of any zone off the coast of any of its territories;
- (ii) the extension of any such zone to a maximum of 100 miles from any such coast,

by making a declaration to that effect and the reduction or extension shall come into force after the expiration of a period of six months after the declaration has been made, unless any one of the Contracting Governments shall have made a declaration not less than two months before the expiration of that period that its interests are affected either by reason of the proximity of its coasts or by reason of its ships trading in the area, and that it does not accept the reduction or extension, as the case may be.

(b) Any declaration under this paragraph shall be made by a notification in writing to the Bureau which shall notify all Contracting Governments of the receipt of the declaration.

ANNEX B.
FORM OF OIL RECORD BOOK.
I.—FOR TANKERS.

DATE OF ENTRY					
<i>(a) Ballasting of and discharge of ballast from cargo tanks</i>					
1. Identity numbers of tank(s).....	.....	.....	.....	.....	.....
2. Type of oil previously contained in tank(s).....	.....	.....	.....	.....	.....
3. Date and place of ballasting.....	.....	.....	.....	.....	.....
4. Date and time of discharge of ballast water.....	.....	.....	.....	.....	.....
5. Place or position of ship.....	.....	.....	.....	.....	.....
6. Approximate amount of oil-contaminated water transferred to slop tank(s).....	.....	.....	.....	.....	.....
7. Identity numbers of slop tank(s).....	.....	.....	.....	.....	.....
<i>(b) Cleaning of cargo tanks</i>					
8. Identity numbers of tank(s) cleaned.....	.....	.....	.....	.....	.....
9. Type of oil previously contained in tank(s).....	.....	.....	.....	.....	.....
10. Identity numbers of slop tank(s) to which washings transferred.....	.....	.....	.....	.....	.....
11. Dates and times of cleaning.....	.....	.....	.....	.....	.....
<i>(c) Settling in slop tank(s) and discharge of water</i>					
12. Identity numbers of slop tank(s).....	.....	.....	.....	.....	.....
13. Period of settling (in hours).....	.....	.....	.....	.....	.....
14. Date and time of discharge of water.....	.....	.....	.....	.....	.....
15. Place or position of ship.....	.....	.....	.....	.....	.....
16. Approximate quantities of residue.....	.....	.....	.....	.....	.....

I.—FOR TANKERS—Concluded

Signature of Officer or Officers
.....in charge of the operations concerned
.....Signature of Master.

DATE OF ENTRY					
(a) Ballasting, or cleaning during voyage, of bunker fuel tanks					
1. Identity number of tank(s).....					
2. Type of oil previously contained in tank(s).....					
3. Date and place of ballasting.....					
4. Date and time of discharge of ballast or washing water.....					
5. Place or position of ship.....					
6. Whether separator used; if so, give period of use.....					
7. Disposal of oily residue retained on board.....					

ANNEX B—Concluded
FORM OF OIL RECORD BOOK—Concluded
II.—FOR SHIPS OTHER THAN TANKERS—Concluded

<i>(b) Disposal from ship of oily residues from bunker fuel tanks and other sources</i>					
8. Date and method of disposal.....	.....	.....	.....	.....	.....
9. Place or position of ship.....	.....	.....	.....	.....	.....
10. Sources and approximate quantities.....	.....	.....	.....	.....	.....

Signature of Officer or Officers
.....in charge of the operations concerned
.....Signature of Master.

III.—FOR ALL SHIPS

DATE OF ENTRY				
<i>Accidental and other exceptional discharges or escapes of oil</i>				
1. Date and time of occurrence.....	.....	.....	.....	.....
2. Place or position of ship.....	.....	.....	.....	.....
3. Approximate quantity and type of oil.....	.....	.....	.....	.....
4. Circumstances of discharge or escape and general remarks.....	.....	.....	.....	.....

Signature of Officer or Officers
.....in charge of the operations concerned
.....Signature of Master.”

MINUTES OF PROCEEDINGS

MONDAY, July 16, 1956.

(1)

The Standing Committee on Railways, Canals and Telegraph Lines met this day at 11.30 o'clock a.m. The Chairman, Mr. H. B. McCulloch, presided.

Members present: Messrs. Barnett, Batten, Byrne, Campbell, Carter, Cavers, Deschatelets, Gourd (*Chapleau*), Green, Habel, Hahn, Harrison, Herridge, Holowach, Hosking, Howe (*Wellington-Huron*), Johnston (*Bow River*), Lafontaine, Langlois (*Gaspé*), Lavigne, Leboe, Meunier, Nesbitt, Nicholson, Nixon, Purdy and Ross. (28).

In attendance: Mr. J. R. Baldwin, Deputy Minister; Mr. Alan Cumyn, Chief, Steamship Inspection Service and Chairman of the Board of Steamship Inspection; Captain F. S. Slocombe, Chief, Nautical and Pilotage, Marine Services; Mr. G. M. Guthrie, Chief, Registrar of Shipping, Department of Transport.

The Committee commenced clause by clause consideration of Bill No. 349 (H-7 of the Senate), An Act to amend the Canada Shipping Act.

The Clerk of the Committee read a letter addressed to the Chairman from the manager of the Fisheries Council of Canada, dated July 9, 1956, to the effect that the Council was in agreement with the proposed amendment to the Shipping Act.

On motion of Mr. Lafontaine, seconded by Mr. Purdy,

Resolved,—That the Committee print 650 copies in English and 200 in French of its proceedings on Bill No. 349.

Mr. Langlois, Parliamentary Assistant to the Minister of Transport, gave additional information on each clause and was questioned.

Clauses 2 and 3 were allowed to stand.

At 1.05 p.m., the Committee adjourned until 3 o'clock this day.

AFTERNOON SITTING

(2)

The Standing Committee on Railways, Canals and Telegraph Lines met this day at 3 o'clock p.m. Mr. H. B. McCulloch, Chairman, presided.

Members present: Messrs. Barnett, Batten, Byrne, Campbell, Carter, Cavers, Deschatelets, Gourd (*Chapleau*), Green, Habel, Hahn, Healy, Herridge, Hodgson, Holowach, Hosking, Howe (*Wellington-Huron*), Johnston (*Bow River*), Lafontaine, Langlois (*Gaspé*), Lavigne, Leboe, Meunier, Nesbitt, Nicholson, Nixon, Purdy and Ross. (29).

In attendance: Same as listed at the morning sitting.

The Committee resumed consideration, clause by clause, of Bill No. 349. An Act to amend the Shipping Act.

Copies of a complete set of application forms for registration, etc., were tabled by Mr. Langlois.

Clauses 3 to 22 inclusive were adopted.

At 6 o'clock the Committee adjourned until Tuesday at 11.30 o'clock a.m.

TUESDAY, July 17, 1956.
(3)

The Standing Committee on Railways, Canals and Telegraph Lines met this day at 11.30 o'clock a.m. The Chairman, Mr. H. B. McCulloch, presided.

Members present: Messrs. Barnett, Batten, Carter, Cavers, Follwell, Gourd (*Chapleau*), Green, Habel, Hahn, Hamilton (*York West*), Healy, Herridge, Hosking, Howe (*Wellington-Huron*), James, Johnston (*Bow River*), Lafontaine, Langlois (*Gaspé*), Lavigne, McIvor, Meunier, Nesbitt, Nixon, Ross and Small. (26).

In attendance: Same officials as listed at the meeting of Monday, July 16 and Captain W. E. Harrison, Steamship Inspector (Nautical) Department of Transport.

The Committee continued its consideration of Bill No. 349 (H-7 of the Senate), An Act to amend the Shipping Act.

Mr. Langlois, assisted by Mr. Cumyn, gave explanations in respect of each clause, and both were questioned.

Clauses 23 and 24 were adopted.

At 1 o'clock p.m., the Committee, still considering clause 25, was adjourned until 3 o'clock p.m. this day.

AFTERNOON SITTING (4)

At 3.00 o'clock p.m., the Committee resumed consideration of Bill 349 (H-7 of the Senate), An Act to amend the Shipping Act. The Chairman, Mr. McCulloch, presided.

Members present: Messrs. Barnett, Batten, Carter, Cavers, Deschatelets, Gourd (*Chapleau*), Green, Habel, Hahn, Hamilton (*York West*), Healy, Herridge, Hodgson, Hosking, Howe (*Wellington-Huron*), Johnston (*Bow River*), Lafontaine, Langlois (*Gaspé*), Lavigne, McIvor, Meunier, Nesbitt, Nixon, Small, and Villeneuve.—(26)

In attendance: From the Department of Transport: Same as listed at the morning sitting, and Mr. W. E. Harrison. From the Department of Justice, Mr. E. A. Driedger, Assistant Deputy Minister.

On Clause 25, page 8,

After discussion, Mr. Cavers moved, seconded by Mr. Hosking, that Section 495A of Part VIIA be deleted and the following substituted therefor:

Convention
approved.

"495A. (1) The International Convention for the Prevention of Pollution of the Sea by Oil, 1954, set out in the Fourteenth Schedule, (hereinafter called the Convention), is approved.

(2) The Governor in Council may make regulations

(a) to carry out and give effect to the provisions of the Convention;

(b) for regulating and preventing the pollution by oil from ships of any inland, minor or other waters of Canada; and

(c) prescribing a fine not exceeding five hundred dollars or imprisonment not exceeding six months or both fine and imprisonment to be imposed upon summary conviction as a penalty for violation of a regulation made under this section."

The question being put on the amendment, it was resolved in the affirmative.

Clause 25 as amended was adopted.

Clause 26 was adopted.

On clause 27,

After debate thereon and several suggestions being put forward in respect of regulations for small crafts, life-preserving equipment, etc., Clause 27 was adopted.

In the course of the deliberations on this Clause, Mr. Langlois tabled copies of a pamphlet issued by the Department of Transport in English and French, entitled "Safety Afloat (For Owners of Small Boats)" which were distributed forthwith. A sample of a life-preserving jacket with certificates of approval was exhibited.

Clauses 28, 29 and Annex B of the Schedule were adopted.

The Committee reverted to Clause 2, and after further discussion it was adopted, on division.

The Committee also reverted to Clause 9.

After further debate, Mr. Langlois moved, seconded by Mr. Cavers, that Section 119 be deleted and the following substituted therefor:

Certificates
of service.

"119. (1) Every British subject who

- (a) served as a master of a home-trade, inland waters or minor waters *steamship* of over ten tons, gross tonnage, for a full period of twelve months within the ten years immediately preceding the date of his application for a certificate of service,
- (b) produces satisfactory evidence of his sobriety, experience, ability and general good conduct on board ship, and
- (c) passes the prescribed examination is entitled, on payment of the prescribed fee, to a certificate of service as master of a steamship not exceeding three hundred and fifty tons gross tonnage, not carrying passengers and not being a tug, within the limits prescribed by the Minister and specified in the certificate.

Prior
certificates.

(2) The holder of a certificate of service as master of a steamship not exceeding one hundred and fifty tons gross tonnage in force at the date of the coming into force of this subsection retains all the rights and privileges he had under that certificate immediately before that date."

The question being put on the amendment, it was resolved in the affirmative.

Clause 9 as amended was adopted.

The Title was adopted.

Throughout the proceedings, Mr. Langlois was assisted by Messrs. Baldwin, Cumyn and Slocombe.

Ordered,—That the Chairman report the Bill with amendments.

The Chairman expressed the appreciation of the Committee to Mr. Langlois and the officials of the Department of Transport.

At 5.40 o'clock p.m. the Committee having concluded consideration of Bill 349, was adjourned to the call of the Chair.

Antonio Plouffe,
Assistant Chief Clerk of Committees.

EVIDENCE

MONDAY,
July 16, 1956,
11.30 A.M.

The CHAIRMAN: Gentlemen, we have a quorum. Bill H7 of the Senate, an act to amend the Canada Shipping Act. The House of Commons number of the bill is 349.

Mr. LANGLOIS (*Gaspé*): Mr. Chairman, before we start the clause by clause consideration of this bill, may I suggest that the secretary read a letter which has been received by the chairman, coming from the Fisheries Council of Canada and signed by Mr. Gordon O'Brien. I think this letter will enlighten the committee on the views taken by the Fisheries Council of Canada regarding this Bill having to do with the fishing industry.

THE CLERK OF THE COMMITTEE:
Fisheries Council of Canada

July 9, 1956.

Mr. H. B. McCulloch,
Chairman, Standing Committee
on Railways, Canals and Telegraph Lines,
House of Commons,
Parliament Buildings,
Ottawa, Ontario.

Dear Mr. McCulloch:

We have noted that the bill to amend the Canada Shipping Act has been referred to the Standing Committee on Railways, Canals and Telegraph Lines.

When this bill was before the committee of the Senate, the Fisheries Council of Canada appeared on behalf of the commercial fishing industry across Canada.

For your information, I would like to say that the commercial fishing industry is satisfied with the amendments, as they now stand, pertaining to the fishing industry. It is my understanding that the bill comes before your committee this week and I thought it advisable to communicate this information to you, as I shall be out of town. However, if any urgent matter comes up that you feel that the fishing industry should be heard from, if you will contact my office at CEntal 3-4089, it would be possible for me to appear before the committee as long as I was notified a day ahead. I should add, that I would be very pleased indeed to come back to town if the committee desires any information but, as indicated, we are satisfied with the amendments as now contained in Bill 349.

Very cordnally yours,

Gordon O'Brien,
Manager.

Mr. LANGLOIS (*Gaspé*): Mr. Chairman, hon members will recall that when the bill was in second reading in the house I made a somewhat lengthy statement outlining its main features. I do not think there is anything further I can add at this stage. But, if the committee is agreeable, I am ready to suggest that as each clause is called I can probably make a further explanation of it in order to get the committee to understand better the purpose of the clauses in question. As we call a clause, I will be ready to make a short explanation of it, and then if the hon. members wish to question the officials of the department, who are here, they will be at liberty to do so.

We have here the Deputy Minister of Transport, Mr. John Baldwin; we have the chairman of our Steamboat Inspection Service, Mr. A. Cumyn. We also have Captain Slocombe from our nautical division. These officials are at your disposal, if there are any further details that you wish to obtain from them on the clauses as they are called.

Mr. NESBITT: Mr. Chairman, is there any intention on the part of the committee, or the wish of the deputy minister or the parliamentary assistant to the Minister of Transport to call any additional witnesses, apart from the ones he has just mentioned?

Mr. LANGLOIS (*Gaspé*): Not that I know of. We have received no request to my knowledge, regarding any other witnesses who might wish to appear, or to be called and questioned.

Mr. NESBITT: Mr. Chairman, further to that, would Mr. Langlois consider, with reference to section 27, of the Act, calling to give some evidence before this committee, the president of the Lake Ontario Research Rescue Organization? Because this section I might say, Mr. Chairman, deals with the regulation and licensing of boats and operators of boats on all minor waters in Canada. Since this subject has been a matter of some considerable interest to the press and to the public generally, recently, I thought possibly the gentleman I mentioned might be able to give this committee some very valuable information on the subject. I do not think it would take any great length of the committee's time if he were to appear, and it might be very helpful to the committee and to the department generally. Because, the regulations which are, I believe, contemplated under this section, are of great importance, I would suggest, to nearly every member of the House of Commons because there are minor waters of some sort in every constituency. I know the president of this organization, although I do not know him personally, has made a very considerable study of the problem, and some of the evidence that he could probably give the committee would be very helpful to the department generally.

Mr. LANGLOIS (*Gaspé*): Mr. Chairman, regarding clause 27, I must state this: I am informed that our officials have been in touch with the gentleman in question, and I think they have already discussed the matter with him. It is the intention of the department, some time in the fall, to have further discussions not only with this organization but with all similar organizations in Canada. Also it is the intention of the department, before these regulations are drafted, to get the views of all those who might be interested in boating organizations, and the views of the manufacturers of motor-boats and outboard motors and so on. We have received many, many letters in the department, coming from all sections of the country. I can say that this correspondence was in favour of the contemplated legislation.

Mr. NESBITT: Mr. Chairman, I am very delighted to hear that. If such is to be the case, I think probably there will not be any particular purpose in having him called at the present time.

One further question I might ask Mr. Langlois in that regard, if I might. will these hearings be public, or will they be private hearings, that will be held next fall?

Mr. LANGLOIS (*Gaspé*): They are going to be a series of conferences, meetings, and consultations with the various interested parties. We do not contemplate inviting the press to these meetings, but there is nothing secret about them. There would be no objection if these discussions are made public.

Mr. NESBITT: Just one final remark, Mr. Chairman. Would Mr. Langlois then consider, when these are being held, letting members of this committee know, in the event that some of us are interested and might care to hear some of the conferences?

Mr. LANGLOIS (*Gaspé*): There is no objection to that. We welcome this suggestion.

Mr. NESBITT: We will be notified when they take place?

The CHAIRMAN: Would any member care to move a motion for the printing of the bill—that 650 copies of the bill be printed in English and 250 copies be printed in French?

Mr. LAFONTAINE: Moved by myself and seconded by Mr. Purdy.

Mr. BARNETT: Mr. Chairman, I would like to ask one or two questions relating to the subject just brought up by Mr. Nesbitt. He suggested the possibility of members, who are interested, sitting in on these conferences. Perhaps all members are not in a position to be able to attend as easily as Mr. Nesbitt might. Therefore, I was wondering whether the department had in mind entering these discussions on the basis of preparing a draft of the regulations, and that if such was going to be the case, whether members of the committee, or members who are interested, could receive a copy of the working paper, so that if either ourselves, or in relation to the people who are interested in our particular areas, we might be able to have some consultation on the subject matter of those regulations prior perhaps to arriving at the final conclusions to be given effect to? It would be rather difficult, I know, for me, perhaps if the meeting is held in the fall, and parliament is not in session, to sit in on them.

Mr. LANGLOIS (*Gaspé*): Mr. Chairman, I understood the request that was made earlier regarding these meetings did not go as far as to suggest that the members will be invited to attend. I do not think it was in the mind of the honourable member who made the suggestion, to have honourable members in on these meetings. However, we are interested in getting the views of as many people as we can, because we want to get a set of regulations that will be the best obtainable. We are going to proceed in this way: before any regulations are drafted we are going to send a questionnaire letter to all those who are interested in boating, in order to get their views and their suggestions. I see no objection, if honourable members of this committee are interested, to sending this questionnaire to them in order that they might let us have their views on the matter. Would that be satisfactory to the honourable member?

Mr. BARNETT: That would be fine with me, Mr. Chairman.

Mr. HAHN: Mr. Chairman, before we carry on, I was interested particularly in the speed of vessels. It has been indicated to me that one of these clauses deals with the speed of vessels in rivers and so on, and I wonder if Mr. Langlois could indicate now which clause this is?

Mr. LANGLOIS (*Gaspé*): Are you referring to the bill?

Mr. HAHN: Yes.

Mr. LANGLOIS (*Gaspé*): There is no mention of speed limitation anywhere in the bill. We are just seeking the power to make regulations for safety afloat in the handling of small boats. It is possible that when the final regulations are made there will be something in them having to do with speed. I understand it would be most desirable if there are regulations dealing with the speed that the boats should travel at, perhaps in certain districts and under certain circumstances. But, there is no authority sought directly in the bill itself to regulate the speed.

Mr. LAVIGNE: Mr. Chairman, in regard to clause 27, I had an experience yesterday. We had quite a rough ride on lake St. Francis, and we felt quite safe because we had some cushions that would serve as life preservers. But, in coming back we found that they were sinkers. They are sold in stores. One would expect to buy cushions that would serve as life preservers in boats. All you see on that life preserver is: "Approved by the Department of Health". They do not float; we know that now.

Mr. LANGLOIS (*Gaspé*): That is the provincial department of health.

Mr. LAVIGNE: Yes, the provincial department of health. I am referring to this because of this approval. One would think these cushions should be made of a material that is suitable for use in boats. The boats are being checked in that area, and the Royal Canadian Mounted Police have been telling the people that their cushions are no good. They do not comply with the regulations, but it is only after the people have bought them that they find out. You go into the store and you expect to buy boat equipment, and you see them hanging there with the price tag on them. People purchase them and put them in their boats. They do not try them out, because they are only going to try them out once, and they are going to sink. The cushions we have were marked "kapok", and they were approved by the Department of Health. It also says on that same piece of paper "Do not use them for swimming or as a raft". When are you going to use them to try them out, when you are not sure of what you have got in your boat? People who are buying equipment for their boats are being misled intentionally, I believe, by the makers of those products, because I have them in my car and they are made exactly in the same shape and it is the same design as the good and approved "kapok" cushions.

I think some things should be included to protect the purchasers of such equipment so that they will know, when they buy them for their boats that they have cushions for their protection in the boat, and not sinkers as we had yesterday.

Mr. HERRIDGE: I would like to support the remarks which have just been made. I have had some experience of that practice and I think that before this committee rises, when we come to the appropriate section, we should consider the matter and make a recommendation that something of the sort suggested should be included in the regulations.

Mr. LANGLOIS (*Gaspé*): I would like to say here in reply to what Mr. Lavigne has said that, unless I am grossly mistaken, I think he refers to those tags which are given out by the Department of Health in Ontario, in particular, which the manufacturers of certain types of cushions have to attach to the article they make before it is sold, and, if I am right, I think that those tags have to do with regulations concerning the material used, and are prescribed for health reasons. They have nothing to do with suitability for use as life-saving equipment; as a matter of fact I have seen such tags attached to chesterfield cushions, chair cushions and so on. I do not think they have anything to do with safety regulations. Some of the large stores, I think, are now advertising their life-saving equipment by stating that it has received government approval and I am told that in those instances they refer to

government approved equipment meaning by that the approval of the Department of Transport. I think it would be advisable if anybody is interested in buying life-saving equipment that he should find out, either by contacting our steamboat inspection office here in Ottawa or our local steamboat inspectors if such material or such pieces of life-saving equipment have in fact been approved by the board of inspectors.

Mr. JOHNSTON (*Bow River*): Mr. Chairman it seems to me we should have some regulation in mind while we are dealing with this bill in order to protect the public. What Mr. Langlois has said is probably quite true but when people go to buy such equipment, and they see in a store which handles boat supplies and safety equipment an article which is advertised for use in boats and which is approved by the government it does not make any difference to them whether it is approved by the provincial government or by the Department of Transport; they take it for granted that once an article has received the approval of the government, either provincial or federal, they are buying something which is going to have a real safety value in regard to the operation of their boats. It does not make any difference to them which authority is sanctioning the sale of these things, and, consequently, there should be some regulation prescribed by the Department of Transport prohibiting any such advertising as this, because it is misleading, and I am sure it does not matter to members of the committee whether it is put out by the provincial government or not. This is something which deals with peoples' lives. When people buy this equipment they do not as a rule take it out straight away and throw it into the water to see how it will function; they rely on its having been recommended by the government or of the province. I think that when we come to deal with the appropriate section there should be some regulation by this government and by the Department of Transport which would safeguard the lives of the people of this country who buy such equipment.

Mr. NICHOLSON: On a point of order Mr. Chairman it seems to me that there is a proper clause at which we could discuss this matter, and we have not yet reached it.

An hon. MEMBER: Clause 27.

Mr. NICHOLSON: I suggest we await that clause before discussing this matter further.

Some hon. MEMBERS: Get on with the bill.

On Clause 1—"Consular officer".

Mr. LANGLOIS (*Gaspé*): This amendment is submitted at the request of the Department of External Affairs for the purpose of giving a Canadian consular officer the same status as his British counterpart in a foreign country. The present definition implies that while a British consular officer may delegate his powers, a Canadian consular officer can do so only by order in council.

Clause 1 agreed to.

On Clause 2—Exemption from registry.

Mr. LANGLOIS (*Gaspé*): As far as clause 2 is concerned this amendment is to provide that ships are exempted from the requirement to be registered if their net tonnage does not exceed 15 tons. Owners of ships under this tonnage will still have the privilege of registration if they so desire; otherwise, they must take out a licence which requires a much simpler procedure. The amendment will bring Canadian practice in line with that followed in the United Kingdom and substantially this same as that in the United States.

Mr. GREEN: Mr. Chairman, can the parliamentary assistant tell us how many vessels would be affected by this change? As I understand it all vessels from 10 to 15 tons which are now registered will no longer have to register.

Mr. LANGLOIS (*Gaspé*): I am sorry, but I am told we do not have this information.

Mr. GREEN: Does the department not know how many vessels are between 10 and 15 tons register?

Mr. LANGLOIS (*Gaspé*): I am informed that in order to obtain this information we would have to go through the whole shipping registry and find out how many ships are between 10 and 15 tons net tonnage.

Mr. GREEN: It seems strange that a change such as this would be made if the department does not know how many vessels are affected. This, in effect is a weakening of the act. It is putting all those vessels between 10 and 15 tons into a minor category—they no longer have to register. That may be necessary, but I would like to know just why it should be necessary and I am surprised, as I say, that the department itself does not know how many vessels will be affected by this proposed change.

Mr. CAVERS: Mr. Chairman is it not the case that other countries only require ships having a tonnage of 15 tons and over to register, and that this would bring Canadian practice into uniformity with that followed in the United Kingdom and the United States?

Mr. GREEN: I do not think that is a particularly good reason, because our shipping conditions are very much different from shipping conditions in the United Kingdom. For many years it has been considered necessary to have vessels of 10 tons and upwards registered in Canada, and this proposal constitutes quite a drastic change. There is another similar change proposed in clause 7 of the bill where the tonnage affected is raised from 150 to 350.

I would like to know what reason there is for easing the regulations. I do not think it gets us very far merely to say that the United Kingdom has a provision affecting ships of 15 tons rather than ships of 10 tons. I am not necessarily quarrelling with the idea of the change but I would like to know whether there is any good reason why such a change should be made. I think the wise approach to sections of this kind is to ask why these changes should be considered necessary, because, let it be remembered, relaxation in shipping regulations may lead to wrecks, loss of life, and trouble of that kind. I would therefore like to know just why the regulations should be relaxed in the way suggested.

Mr. LANGLOIS (*Gaspé*): Mr. Chairman, I want to say that this clause has nothing to do with the inspection of these vessels; it has to do only with the registration of the ship.

Mr. BYRNE: What is the basic difference?

Mr. LANGLOIS (*Gaspé*): The difference is that up to now a ship of 10 tons net tonnage or over has to be registered. Now we want to raise the exemption up to a limit of 15 tons in order to avoid the expenditure necessary in connection with the registration of the ship. We want to save the owners of these boats the necessity of going through this complicated procedure of registering, and having to pay a fee to register a ship which never leaves our shores and which operates in Canadian waters only. But these ships, as I pointed out, will nevertheless have to get a licence, and besides that they will be subjected to the same inspection regulations as other vessels—there is no change in that respect. They would have to comply with regulations for safety, life-saving equipment and so forth in just the same way as if they were registered under the section of the act dealing with registry. As I stated in the house, the procedure with regard to registering a ship is a complicated one. It may not be considered expensive when you are registering a ship worth many hundreds of thousands of dollars—in some cases millions of dollars—but when it come to a small ship below 15 tons it is an expensive procedure.

Mr. GREEN: How expensive?

Mr. LANGLOIS (*Gaspé*): You have to get a lawyer to deal with the papers and so on—

Mr. GREEN: You certainly do not in British Columbia.

Mr. LANGLOIS (*Gaspé*): —unless you know how to do it. The ordinary boat owner, I think, would like to do it in the proper way and would probably consult a lawyer. He could, of course, go direct to the registrar of shipping— —

Mr. GREEN: I wish they would consult a lawyer, but I do not think they do.

Mr. LANGLOIS (*Gaspé*): The owner could attend to it personally and get the forms and fill them out himself but afterwards he would have to pay the registry fee.

Mr. BYRNE: How much is the fee?

Mr. LANGLOIS (*Gaspé*): I am told that the owner who wishes to have a boat registered must have his boat measured by an official measurer and he would of course have to pay this man for measuring the boat; and then he has his declaration of assets to fill and so on.

Mr. GREEN: I know that in Vancouver, from what I have gathered of the shipping business, this registration is a pretty effective step and a wise step. It means that the man who builds a boat knows he has to meet certain requirements and I think it helps to maintain a high standard. I do not think it costs very much; I would like to get a figure of what the procedure costs.

Mr. HOSKING: Is this registry an international registry?

Mr. GREEN: It has nothing to do with international law.

Mr. HOSKING: Is there an exchange of registration between the countries?

Mr. GREEN: I do not think so.

Mr. HOSKING: Are these costs with or without a lawyer?

Mr. CAVERS: We will have an amendment inserted in the bill providing that you must have a lawyer if you like.

Mr. HOSKING: I am opposed to that.

Mr. LANGLOIS (*Gaspé*): Our fee is not too high.

Mr. GREEN: What is it for a ship not exceeding 10 tons?

Mr. LANGLOIS (*Gaspé*): It is 50 cents; for a ship exceeding 20 tons it is one dollar.

Mr. GREEN: How much?

Mr. LANGLOIS (*Gaspé*): One dollar but, as I said, this man would have to get his boat measured by an official measurer.

Mr. GREEN: What would that cost?

Mr. LANGLOIS (*Gaspé*): These measurers are not employed by the department.

Mr. JOHNSTON (*Bow River*): Are these measurers lawyers?

Mr. LANGLOIS (*Gaspé*): No, they are engineers or architects and I am told that the fee in respect of a boat of 10 tons might be between \$10 and \$15, provided he does not have to leave his place of residence. But if he has to travel fifty miles to measure the boat, then he will charge both for his time as well as for his travelling expenses.

Mr. HOSKING: Would there be any difference between this size boat or any other size boat, whether it be ten tons or 500 tons?

Mr. LANGLOIS (*Gaspé*): As it is, craft up to ten tons are exempt from registration, and we want to raise that exemption to fifteen tons.

Mr. GREEN: I submit that registration is a minor consideration right now, costing only \$1 and the cost of the man to measure the ship which would be only about \$10.

Mr. LANGLOIS (*Gaspé*): I beg your pardon, I made a mistake. I was reading from the wrong column. The first registration costs \$3.

Mr. GREEN: You say \$3.

Mr. BATTEN: For a ship up to what size?

Mr. LANGLOIS (*Gaspé*): For ships below fifty tons it costs \$3.00.

Mr. GREEN: Who is asking for this?

Mr. LANGLOIS (*Gaspé*): We have received many representations from owners.

Mr. GREEN: From whom did you get them?

Mr. LANGLOIS (*Gaspé*): From owners of small boats.

Mr. GREEN: Did you have any association writing in?

Mr. LANGLOIS (*Gaspé*): Individual owners!

Mr. HAHN: Are they owners of pleasure or commercial craft?

Mr. LANGLOIS (*Gaspé*): They can be of any type.

Mr. GREEN: Probably these are mostly pleasure craft and the people do not want to be bothered to get their ships registered. For example, from whom have you received complaints from the west coast?

Mr. LANGLOIS (*Gaspé*): I am told that we have received representations from very many owners. It is pretty hard to give you the names of those who have complained. However, let me add this: the only thing we are doing is this: we want to exempt boats between ten and fifteen tons and to remove the onus upon the owners to go through the ordinary registration procedure.

Take the case of an owner who is residing in an outlying district far away from a shipping registrar. He has to get his boat registered; he does not know the regulations and he does not know the procedure; he has to go to the trouble to write to a registrar of shipping who might be anywhere from 100 to 500 miles away from his place. He has to get his boat measured and if there is no official measurer in his locality, he will have to get a man to come from far away to measure his boat. On the other hand, this has nothing to do at all with safety regulations. The boat would have to comply with the same safety regulations. We desire only to avoid this procedure causing owners the trouble to register their ships when we think that registration in such cases is not absolutely necessary.

Mr. GREEN: Most of these vessels—speaking as far as the west coast is concerned—would be built in one of the larger centres so that registration is a matter of little difficulty and it is done primarily by the builders of the ship.

The thing that worries me is the cutting down of the regulations in this manner which means that there would be many of these ships built between ten and fifteen tons and the building of them would not have to be checked. These boats may not be well built so that in the final analysis in some cases it might result in wrecks.

Why we should be removing restrictions in this section while in another section we are going to licence 50,000 or more operators of pleasure craft does not make sense to me. The shipping registration regulations on the west coast have always been very properly and carefully carried out procedures and very effective ones, and if it is only the case of an individual person writing in and wanting to have the regulations eased, then I do not think this committee should pay too much attention to that.

Probably most of the people who are asking for it are people building expensive yachts and vessels of that kind. But all the shipping regulations go much deeper than that and they are so much more important that I hope that the Department of Transport would let this section stand until we consider some of the other clauses of the bill to see if it is really necessary to lift these restrictions as contemplated.

Mr. NICHOLSON: I support Mr. Green's argument, and it seems to me that when a ship is built it should not be too hard to find out the size and the power. For example, I have an automobile registration form and it tells me that I have a Pontiac car with a given wheel base and made by a certain manufacturer, and it cost me a good deal more than \$3. I would like to get rid of the obligation—I know it is a provincial one—but I do not think anyone would seriously argue that it would be in the public interest to relieve a citizen of that obligation.

I was on an Ontario lake yesterday and I think that instead of relieving people from the regulations we ought to enforce more regulations. Therefore it seems to me that unless better reasons can be advanced than we have had so far we should leave this clause unchanged.

I think if anyone has a ten ton ship he should be prepared to meet the very reasonable \$3 registration fee, and it seems to me that before he buys a ship he would know the size. Therefore I suggest that the department should be prepared to require anyone who has a ship of that sort to abide by the regulations we now have.

Mr. HERRIDGE: I support Mr. Green's argument. The situation is not quite as outlined by the parliamentary assistant. In our minor waters in the Kootenay, for example—they are minor in a technical sense—when a boat is built, the builder of the boat assists the owner to make out his form, and if that is not done, then the steamship inspector will help the owner and will measure the boat for him and supply all the details when he applies. I agree with Mr. Green that we should not relax these regulations unless there be a good reason for doing so. Does this mean merely a saving of two or three dollars on a boat costing from \$15,000 to \$30,000? The expenditure is trifling! Does this mean that a boat of that size, one of fifteen tons, would not require a master's certificate?

Mr. LANGLOIS (*Gaspé*): As I said earlier this has nothing to do with either the technical or the safety aspects of the ships.

Mr. HERRIDGE: Or their operation?

Mr. LANGLOIS (*Gaspé*): Or their operation, and the owner of this boat—even if the boat is not registered—will have to obtain a licence for it. Therefore, in the case of a small boat below 15 tons, why should the owner have to go through the bureaucratic process of registration?

Registration of a ship is a mighty good thing to have—it is good to have when the ship has to go outside of the country, because it is its identity certificate; it is its birth certificate; it is a document which is accepted by the officials of all governments at its face value wherever the ship goes. But when that ship remains within our own territorial waters, we say that a licence is enough.

I mentioned the saving of expense, that it cost from \$10 to \$15 to have the boat measured. I may add that our steamboat inspectors are not supposed to measure ships and to issue certificates of measurement. It is part of their functions. These certificates of measurement must be issued by official measurers.

Mr. HERRIDGE: I said that they would very kindly measure a ship and supply the information to the person making the application.

Mr. LANGLOIS (*Gaspé*): But they are not supposed to do so. The owner has to file a certificate of measurement by a duly qualified measurer. We have the licence to take care of the control that we might want to exercise on the boat; and again, this has nothing to do with the matter of safety of the boat and of the life saving equipment that the boat must carry. We just want to save some paper work to the prospective owners of these small craft.

Mr. GREEN: The parliamentary assistant mentioned—or left the impression that the ship would have to be registered and also licensed. But that is not correct. Surely the licensing provision is for ships which are not registered.

Mr. LANGLOIS (*Gaspé*): That is right, but if it is not registered, it still has to be licensed.

Mr. GREEN: What you are doing by this change is this: you are taking these vessels from ten to fifteen tons out of the one category which requires registration and you are putting them down in a licensing bracket with the little ships. That is what you are doing, and you will thereby enjoy much less control over them, and over the equipment that goes into the ship and so on, and it is a relaxation of the regulations which have been in effect for many, many years, and which I, at least, for one, have never heard complaints about, on the west coast.

Mr. LANGLOIS (*Gaspé*): We have, through the licensing system, the same control—exactly the same control, and I take it that the inspection requirements are absolutely unchanged. I want to make that clear. If a ship does not comply with the standards fixed by the department, we can stop its construction and we can refuse to license that ship. We just want to save some of the paper work when we think that such paper work would achieve no practical purpose in the case of smaller boats.

Mr. HODGSON: In licensing these very small ships you do not have to have any special process, because they are licensing these ships every day. Your act came into force two years ago as far as small craft are concerned, and your officials will have enough trouble in enforcing it without adding any more to it.

Mr. LANGLOIS (*Gaspé*): That is why we want to relax it.

Mr. CARTER: All this does is to change the internal records in your department, and it is just a method to reduce red tape.

Mr. LANGLOIS (*Gaspé*): That is right.

Mr. CARTER: I am all for anything which will reduce red tape because I think we have too much of it already. I am interested in this, and I wonder how this applies to fishing vessels because, in Newfoundland, we are trying to encourage our people to switch over to long liners, particularly the type which run about 14 tons, which would just run under this regulation.

Our fishermen are scattered along a large marine coastline and there are no people qualified to measure these ships—except perhaps at St. John's—and it is very difficult getting them out. Therefore anything we can do to reduce the cost of operation of our fishing ships and the cost of registration I think is all to the good of the fishermen. But since it is not related in any way to safety regulations, I think we should go ahead.

Mr. LANGLOIS (*Gaspé*): Owners of fishing boats of below 15 tons will not have to register. They will have the opportunity to do so if they wish to do it. But even if they obtain a licence, it will have nothing whatsoever to do with the inspection requirements and any other technical standards.

Mr. CARTER: A few years ago these fishermen scattered along such a wide coastline thought that to require them to register their fishing vessels would be imposing a terrific handicap upon them. These fishermen build their own boats and I may say that the man who builds his own boat is not qualified to measure and to calculate the tonnage.

Mr. BATTEN: Am I right in my understanding that no measurement as to tonnage is required for the granting of a licence?

Mr. LANGLOIS (*Gaspé*): There is a very much simplified formula for giving the dimensions of the ship. The ship owner does not have to file the official measurements certificate giving all the details as to the measurements as is required for registration. It is merely a matter of less paper work.

Mr. BARNETT: Perhaps it would clear matters for some of us if we had some description in lay terms as to the difference in the category of ships which would be included in the exemptions under this proposal. Will this mean that the type of vessel ordinarily doing a different type of business will be exempted from registry under this provision, or will it simply cover vessels of a similar type, perhaps a little larger than have ordinarily been exempted?

Mr. LANGLOIS (*Gaspé*): It has no relation to the type of business performed by the boat.

Mr. BARNETT: I realize technically that it has not, but I wonder whether the raising of the exemption would bring into the class of boats exempted a different type of vessel engaged ordinarily in a different type of business. For example, whereas under the present exemption certain classes of fishing vessels would be exempted, would it now bring in a larger class of packers, tugboats, and things like that?

Mr. LANGLOIS (*Gaspé*): My information is in the negative in that respect.

Mr. BARNETT: Under this provision would there still be a requirement for vessels under fifteen tons going out of Canadian territorial waters to be registered? For example, we may say a vessel travelling from southern British Columbia down to the Puget Sound region in the United States on the west coast.

Mr. LANGLOIS (*Gaspé*): If the vessel is used commercially, it will have to be registered.

Mr. LEBOE: Is it not true that in order to determine whether a boat is within a certain tonnage that the boat has to be measured? Is that not true?

Mr. LANGLOIS (*Gaspé*): That is right, but not by an official measurer.

Mr. LEBOE: Do you mean to tell me that somebody can unofficially measure a boat and determine whether or not it falls into the category?

Mr. LANGLOIS (*Gaspé*): In the case of a small boat, it will be a simple form which the owner can fill himself. He gives us the figures, we calculate the tonnage and if it is above fifteen tons we will require him to register. Mind you, our steamboat inspectors are still in the picture and can check as to the accuracy of the information given by the owner.

Mr. CARTER: I believe that my honourable friends perhaps do not know too much about what is involved in measuring a boat.

Mr. GREEN: We also have boats on the west coast.

Mr. CARTER: The tonnage of a boat does not depend entirely on the length of its keel, or its over-all length, depth or width. In the matter of tonnage, there are other things, for instance the building of houses on the boat, and so on, which affect the tonnage of it. I know of some cases where certain means have been employed to bring a ship under 150 tons. I know that what happened in one case was that the fellow sawed off the stern in order to bring it under the 150-ton regulation. You can alter the tonnage in the space below deck by raising the stanchion and so forth. It is not as simple as it looks.

Mr. GREEN: Could we have the application form which has to be filled out for registration and also the form which in the ordinary way has to be filled out for obtaining a licence.

Mr. LANGLOIS (*Gaspé*): Do you mean all the forms, such as the declaration of assets, declaration of ownership and so on?

Mr. GREEN: May we have a look at the forms?

Mr. LANGLOIS (*Gaspé*): I will see if we have them.

Mr. HOSKING: Speaking as a landlubber who knows nothing about shipping, is it not a fact that the details of a ship registered for going out of the country are accessible?

Mr. LANGLOIS (*Gaspé*): I am sorry I did not hear the whole of your question.

Mr. HOSKING: Is not the difference between a licensed ship and a registered ship the fact that in connection with a registered ship the specifications and information on that ship are available to any other country? I believe there is a registry of ships which you can look at and see the information pertaining to every registered ship of every country?

Mr. LANGLOIS (*Gaspé*): I suppose you are referring to the Lloyd's Register which is an international source of information.

Mr. HOSKING: Every ship which is required to be registered must appear in that registry. I believe it is called Jane's Registry of Ships.

Mr. LANGLOIS (*Gaspé*): I would not say "must appear"; they may appear.

Mr. HOSKING: And we merely licence the boats which never go out of our area; it just saves them from this.

Mr. LANGLOIS (*Gaspé*): Mr. Green has asked for the forms which are necessary for the registration of a ship. I have those forms here. They are complicated documents.

Mr. GREEN: Let us see the forms for registration and the forms for obtaining a licence.

Mr. LANGLOIS (*Gaspé*): You only have the documents having to do with the measurements. Do you want the declaration of assets and all the other forms?

Mr. GREEN: I would like to see the forms which are filled out in connection with registration and the forms which are filled out in connection with obtaining a licence.

Mr. LANGLOIS (*Gaspé*): We can get them for you. We have the licence form here.

Mr. GREEN: What I wish is the application form which has to be filled in.

Mr. LANGLOIS (*Gaspé*): That is the application.

Mr. HAHN: Mr. Chairman, possibly we could have those passed around.

I am interested in this for the reason that I have had certain representations made to me with respect to a question which I raised earlier on clause 1. Unfortunately, I had to go to get the information and before I returned clause 1 had been dealt with. Referring to the licence as distinct from the registration of ships, who does the licensing; is it the same Department of Transport?

Mr. LANGLOIS (*Gaspé*): Yes. It is done through the collector of customs who is an employee of the Department of National Revenue.

Mr. HAHN: What is the principal objection to registration of vessels in Canada?

Mr. LANGLOIS (*Gaspé*): Mind you, there is no objection; it is just to save some paper work in the case of small craft; that is all we want to do. The owner still has the privilege of going through the procedure of registration if he wants to, but in the case of a ship of below fifteen tons it is not necessary. In that case, you obtain a licence and that will be sufficient.

Mr. HAHN: I am interested in just what is the difference between a licence and a registration. I understand that we are having a couple of forms passed around through the room for examination and I would, therefore, like to suggest that before we carry the clause that we be given time to examine those so that we can see for ourselves what we believe is wrong, if there is anything wrong in the proposed amendment, or if we consider it to be right then we can arrive at our own conclusion in a sane sensible fashion.

An Hon. MEMBER: Carried.

Mr. GREEN: Mr. Chairman, may I point out that this business of shouting "carried" will not get the members anywhere in this committee or in the house. We came to this committee prepared to give careful consideration to the bill in a non-partisan fashion. If we are going to be met with such outcries then we will attempt to block the bill going through the committee and through the house. We cannot do business on this basis. If this committee is to be of any value then we should consider this bill on its merits. These are serious questions which we are raising and I do not think any of us appreciates this practice of two or three members putting their heads down on the table and shouting "carried".

What I would like to see is the application form which is filed in each case.

Mr. LANGLOIS (*Gaspé*): That is all there is.

Mr. GREEN: Then there is no application form for a licence?

Mr. LANGLOIS (*Gaspé*): The owner provides the information to the collector of customs, he fills out that form, and that is the licence.

Mr. HERRIDGE: The collector of customs in our district sends a certain application form to every boat owner who fills it in and gets a licence.

Mr. LANGLOIS (*Gaspé*): That is the form which we have passed around.

Mr. NICHOLSON: Could we allow the clause to stand until after the lunch hour?

Mr. LANGLOIS (*Gaspé*): There is no objection to that.

Mr. BARNETT: Before the clause stands, might I ask another question. Could we have a brief explanation of what connection, if any, there is between the registration of a vessel and its eligibility under the sick mariners' fund? It seems to me that I have heard that there is some connection there?

Mr. LANGLOIS (*Gaspé*): There is no change there whatsoever. I have here a note from the Department of National Health and Welfare, which, as you know, administers the sick mariners' fund: "Provided ships between ten and fifteen tons may register voluntarily, as is the department's intention, there will be no change in the position of such ships vis-à-vis the sick mariners' benefits or fishing bounty."

Mr. BARNETT: Does that mean that if the vessels between ten and fifteen tons wish to have coverage that they will have to register?

Mr. LANGLOIS (*Gaspé*): That is right, if they want to take advantage of the benefits.

Mr. BARNETT: And they will have to register the vessels, will they?

Mr. LANGLOIS (*Gaspé*): Yes.

Mr. BARNETT: And that has applied heretofore to vessels below ten tons?

Mr. LANGLOIS (*Gaspé*): It has applied to all ships. They have to register just the same. Anything that registers, no matter what the size, is entitled to the benefits of the sick mariners' fund, if they comply with the other conditions required to qualify.

Mr. BARNETT: Yes, but if they are not registered—but if the vessel is not registered—

Mr. LANGLOIS (*Gaspé*): They do not get the benefits.

Mr. BARNETT: They do not receive the benefits under the sick mariners' fund?

Mr. LANGLOIS (*Gaspé*): That is the purpose of this new clause when it makes registry or licensing optional. They will have to register if they want to get the benefits.

Mr. HODGSON: I want to ask you about something which affects my own riding. Do I understand you to say that the collector of revenue in each section will send a form to every boat owner?

Mr. LANGLOIS (*Gaspé*): If the owner writes him, he will send the form.

Mr. HODGSON: Does he automatically send them out?

Mr. LANGLOIS (*Gaspé*): I have been told that in some districts he was doing it.

Mr. HODGSON: The official in our county does not know five per cent of the people who have boats.

Mr. HERRIDGE: He can inform the collector and ask him to send the forms.

Mr. HODGSON: Yes, that is right. But, your official goes around and he sees a boat that has not got the name or number and so on marked on it. I have got one of these, and you have to put a number on each side of your boat, on the back, and so on, under certain regulations.

Mr. LANGLOIS (*Gaspé*): Yes.

Mr. HODGSON: Suppose the official comes around and he sees 50 boats on the lake that have not anything like that on them?

Mr. LANGLOIS (*Gaspé*): They would have to get the licence; the Royal Canadian Mounted Police would see to that normally.

Mr. HODGSON: Yes, but I say your official should be armed with licences in his pocket, because I know one lake that has 400 boats on it, and I do not think 10 per cent of them know anything about this licensing of boats, and so on. But, they all should have a licence on them.

Mr. LANGLOIS (*Gaspé*): I am told that we are considering this suggestion.

Mr. NESBITT: Just one further question. I do not want to refer this particular section at the present time to section 27, because it is more appropriately discussed then. But, just one question that I have which might be of interest to other members of the committee. In the present form of licensing for small craft, in view of what the parliamentary assistant has said they are contemplating drawing up a new and more widespread regulation in the future, that possibly the form of licensing for small boats might well be changed after these have been considered. I would assume that might well take place.

Mr. LANGLOIS (*Gaspé*): It is under consideration now.

Mr. NESBITT: Yes. If you are considering all the new regulations for small boats, it may well be that the effect is changed somewhat.

Mr. LANGLOIS (*Gaspé*): Yes.

Mr. BATTEN: Mr. Chairman, may I ask if there is any fee for licensing a small boat?

Mr. LANGLOIS (*Gaspé*): No.

The CHAIRMAN: Is it the wish of the committee to have this item stand?

Mr. BYRNE: Have there been any objection to this section from any quarters, landlubbers or otherwise?

Mr. LANGLOIS (*Gaspé*): None whatsoever.

Mr. BYRNE: This is the first instance of an objection?

Mr. LANGLOIS (*Gaspé*): Yes, that is right.

The CHAIRMAN: Shall clause 2 carry?

Mr. GREEN: I thought that was to stand?

The CHAIRMAN: It comes to a vote.

Mr. GREEN: Is an attempt being made to steamroller this through, or is it to stand?

Mr. HOSKING: I do not like the remarks made about the people who have spent some time in studying this bill and have come here with some concept of it, and are then required to give all these details and explain it minutely to members who do not know anything about it. I do not think it is right that we should endure this.

Here is a very simple clause, that has been explained very well by the parliamentary assistant. He says in regard to the registering of ships the details can be found out if they wish. In any event, they may be licensed, and they are given the information. The regulations are the same for the owner of a ship between 10 and 15 tons. He may register if it is to his advantage, and if he does not want to register he does not have to pay an expensive lawyer's bill to fill out the forms. It is a clause that has been put in for the benefit of small shipowners. It is very simple and straightforward. I do not see any reason why, after all the explanation that has been given, the thing should not pass. It is not a regulation that says you must register, but you have an option one way or the other. It is a very simple clause, and I think it should pass.

Mr. GREEN: Mr. Chairman, I have never known a case where, when a committee was considering a bill section by section, and there was a question brought up about one section, the committee would be unwilling to let that section stand. And now here is a section where we have not been given the information. This department does not know how many vessels are affected by this change; this department does not know—

Mr. HOSKING: Anyone can register, or he does not need to register.

Mr. GREEN: Let me do my talking, you do enough of your own.

This department does not know how many vessels will be concerned. I want to know how many vessels on the west coast are going to be exempted from the regulations for registry by changing this minimum from 10 tons to 15 tons. Furthermore, this department has received no representations from any group, any association, asking for this change. They apparently have had letters from individuals asking for the change. You will notice that the section covers pleasure yachts and the exemption covers pleasure yachts as well. Now, I do not doubt for a minute that a man who has a pleasure yacht over ten tons would like to get this registration minimum lifted from 10 to 15 tons, but we are entitled to know just what all these things are. There is no similar situation existing in the interior parts of Canada. This registration of ships is a vital matter; it is not like registering a car—it is a great deal more serious than that. It affects the type of boat that is built—whether it is well built or not—and it will probably affect the lives of people working on these vessels.

Mr. BYRNE: That is not the case which has been presented to us—

Mr. GREEN: You do not know anything about boats. You have not one boat in the whole of your constituency.

Mr. BYRNE: I know as much about them as you do.

Mr. GREEN: No you don't. Men's lives are affected by this and this whole thing is a very serious business. The registration of ships is the foundation of our whole shipping law. There may be a good reason for exempting this group of ships from the requirement of registry but we are

entitled to have further information before it is done. I thought the department would be able to come here today and tell us exactly why they wanted this step taken, but the only reason given us is that in the United States and the United Kingdom they do not register vessels under 15 tons; and that it would help to cut down the amount of "red tape". I fancy that the argument getting away from "red tape" may be the real reason—that the department does not want to be bothered with the registration of ships between 10 and 15 tons. But we have not got the whole story; we should be given clear and accurate answers to some of the questions that have been raised and we should have the chance to study this matter further. It looks to me as though the obligation with regard to licensing does not amount to anything at all and that it is designed primarily for pleasure boats rather than for regular ships which, up to date, have been registered under this act, and I hope that the committee will just not be in such a rush to force these things through.

Mr. HOSKING: I would like to correct some of the misinformation that has been given by Mr. Green. The registering of ships such as pleasure yachts is much more important than that of certain other boats, because pleasure yachts cruise in international waters. In the province of Ontario we have many ships which come from the United States and, as the parliamentary assistant (Mr. Langlois) has explained this registry is the "birth certificate" of a ship and constitutes the legal ownership; it is something which is accepted internationally, so pleasure yachts which enter into national waters are all registered under this act, if they fall within the prescribed limits of tonnage, in order that they may sail back and forth. Any ship which sails in international waters needs to be registered, and the owners wish it to be registered. On the other hand, vessels which are intended to stay in their own waters do not need a certificate which is accepted internationally, so they will just have the option of taking out this licence which can be done very simply.

Mr. NICHOLSON: Mr. Chairman, since this clause is apparently not going to stand I think we should get additional information. Mr. Barnett raised the question of the Sick Mariners Fund. I think we should have information as to the number of ships involved. The parliamentary assistant (Mr. Langlois) maintained that the owner of ships between 10 and 15 tons could register but that he would not be obliged to register and that being the case I think we should know how many people under the Sick Mariners Fund are going to be barred from participation in the benefits of that legislation.

Mr. LANGLOIS (*Gaspé*): They will not be barred—

Mr. NICHOLSON: It is not going to be compulsory to register, and if this is the case I think we should know the number of ships concerned in this category because if half of them fail to register, then half of the mariners on board those ships will be barred from the benefits of the fund. I think that when the meeting resumes after lunch the parliamentary assistant should be able to give us more information regarding the number of ships involved and the exact status of the men with respect to their benefits under the Sick Mariners Fund.

Mr. LANGLOIS (*Gaspé*): To reply first of all to the remarks made by Mr. Green. As I have said three or four times since we opened our discussions this morning this matter of the licensing or the registration of ships has nothing whatever to do with the construction standards of the ships concerned. It has nothing whatsoever to do with the life-saving standards or the other technical standards of a ship. I think that must be clear by now to every member of this committee. All we want to do is to dispense with a certain procedure so far as smaller ships are concerned. We say that the owner of a ship below 15 tons of net tonnage should be at liberty to register his vessel or not. If he does not register the owner will have to get a licence under a

much simpler procedure. As I mentioned also, this would have no effect whatsoever on the Sick Mariners Fund. It has nothing whatsoever to do with that fund and since the ship owner is at liberty to register or not, if he wants to get protection under the Sick Mariners Fund he will have to register, of course, and that is the situation as it exists today. There is no change in that respect whatsoever.

Mr. BYRNE: It is to the shipping owner's benefit to come under the Sick Mariners Fund?

Mr. LANGLOIS (*Gaspé*): Yes. As far as the information sought by Mr. Green regarding the number of boats which would be affected by this change, it will, as I stated earlier, take a lot of work to go through the registry of all the ships in Canada and find out exactly how many ships will be affected, but I am told that probably in the course of this afternoon we shall be able to get a pretty close estimate. Honourable members should bear in mind that owners are not obliged to take out a licence and that they can continue to register their boats if they so wish. I am ready to give the undertaking to the committee that we will give an estimate of the number of ships likely to be affected, in the course of the afternoon.

Concerning the other request for information which was made by Mr. Nicholson as to the number of ships between 10 and 15 net tons which are affected by the Sick Mariners Fund provisions, that is a pretty tall order. As you know the fund is administered by the Department of National Health and Welfare, not by our department, and, besides the registry requirement, there are many other conditions which the ship must fulfill before it is entitled to the benefits of the sick mariner's fund.

But giving you the number of ships there are between ten and fifteen tons net tonnage will not give you an idea at all of how many of these ships fall under the sick mariner's fund, because it is possible that for a large percentage of these ships, they will not have complied with the other conditions to take advantage of those benefits.

As I said before—and I repeat it again—this has nothing to do with the sick mariner's fund benefits because the owners have the option to register or not. If they do register, the situation is unchanged, and this also applies to ships below ten tons. Let us say the ship is eight tons, so it does not have to register, but if the owner fulfills the other conditions for the sick mariner's fund, the only formality is that he has to register his vessel to get the benefits of the sick mariner's fund.

Mr. BARNETT: I think the parliamentary assistant has slightly missed the point raised by Mr. Nicholson. However, is the clause going to stand?

Mr. LANGLOIS (*Gaspé*): I have no objection.

Mr. BARNETT: But the question in my mind in respect to this clause is how many crew members—how many people employed by the owners are going to be affected? I know that on the British Columbia coast quite a number of fishing vessels are way below ten tons but they are registered as one of the regulations necessary to qualify them under the sick mariner's fund. The question does arise in this increase of exempted tonnage as to how many vessels which may ordinarily employ a crew are going to be in a position where it is optional whether they register or not? It may be—and I am not saying that it will be—but it may be that the owners of those vessels may not be particularly concerned so far as they themselves are concerned and may decide not to register and to pay the fees under the sick mariner's fund in order to save themselves a little money. Therefore, will there be workers in the position of losing the coverage they have received up to this point? That is a question I would like to be satisfied about in connection with the passage of this section.

Mr. LANGLOIS (*Gaspé*): In reply to those remarks I must say that, as hon. members know, the coverage afforded by the sick mariner's fund is as much to the advantage of the ship owner as it is to the crew members.

As far as fishing vessels are concerned, it is not compulsory for the owner of the ship to pay his contribution and to qualify if he does not want to, even if his ship is registered. We make it compulsory under the Shipping Act to register a ship of from 10 tons up. However if the owner of a registered ship does not wish to pay his contribution in order to come under the sick mariner's fund, we cannot force him to do so.

Mr. BARNETT: That is a special exemption for fishing vessels.

Mr. LANGLOIS (*Gaspé*): That is right.

Mr. HAHN: The parliamentary assistant said that it was optional to the owner whether he was registered or licensed if his vessel was below 15 tons.

Mr. LANGLOIS (*Gaspé*): That is right under the proposed legislation.

Mr. HAHN: Does that mean that a man who registers his vessel does not have to get a licence as well?

Mr. LANGLOIS (*Gaspé*): That is right.

Mr. HAHN: I am interested in the safety factor which Mr. Green raised, that if a man who registers his vessel does not have to get a licence—and since you indicated earlier that the licence is the only factor which decides the safety factor—then, if the registration does not give you that, how is the vessel registered to be covered from a safety factor.

Mr. LANGLOIS (*Gaspé*): As I have said many many times this has nothing to do with inspection. Even if the boat is only licensed, it would still have to get its inspection certificate. That is where we have control over the construction of the ship, the safety equipment, and the other technical standards involved.

The owner of the licensed vessel is not exempted from getting a certificate of inspection from an authorized officer of the department, is that clear?

Mr. HAHN: That is fine. Thank you.

The CHAIRMAN: The parliamentary assistant is willing to allow the clause to stand.

On Clause 3, "Deductions in special cases".

Mr. LANGLOIS (*Gaspé*): I must give a lengthy explanation which I deem necessary to fully understand this clause because it is more complicated than the clauses we have already discussed.

CLAUSE 3—Section 95, Allowance for engineroom space in steamships for measurement of tonnage.

The net tonnage of a ship as shown in the certificate of registry is the tonnage upon which harbour dues and other port charges are based in most of the ports of the world. Further, limitation of liability is based on net tonnage. Thus it is to the advantage of a shipowner to have the net tonnage as low as possible and the aim of ship designers is to achieve this end while still providing for the greatest possible carrying power consistent with safety requirements.

The net tonnage is derived from the gross tonnage by deducting therefrom certain allowances such as for engineroom space, crew accommodation, and so forth, as laid down in the rules for measuring tonnage. The maritime powers of the world follow substantially the same rules in this regard and Canada has a further obligation under the British Commonwealth Shipping Agreement to keep registry practice, including measurement of tonnage, in line with practice in the United Kingdom.

The present section 95, which is the same as formerly appeared in the Merchant Shipping Acts, permits the allowance of a certain percentage of the gross tonnage when the proportion of the propelling power space to the gross tonnage falls within arbitrarily prescribed limits. However, when the propelling power space falls below these limits another rule comes into effect, involving a sharp drop in allowance, to the disadvantage of the ship owner.

In 1954 the British Merchant Shipping Acts were amended to provide for a pro rata allowance for propelling power spaces falling short of the prescribed limits, thus allowing ship owners to reap the benefit in reduced tonnage of the space-saving effect of modern internal combustion engines. Before amending the British acts, the United Kingdom Ministry of Transport and Civil Aviation consulted twenty-eight commonwealth and foreign countries and by December, 1954, twenty-four out of the twenty-eight had agreed in principle to the proposed amendment.

In recent months Canadian Vickers Limited, Imperial Oil Limited, and the Canadian Shipbuilding and Ship Repairing Association, have made representations to the department in this matter, recommending that modifications similar to those in the British tonnage measurement regulations be made in the Canada Shipping Act. It is pointed out that the difference in the rules places Canadian ships at a disadvantage as compared with ships registered elsewhere, not only in the case of motor propulsion, but also in the case of Great Lakes vessels which, although propelled by steam, have small enginerooms in comparison with their size. Here I have a few examples which may be of some interest to the committee. For example, there is the s.s. *Scott Misener*, an upper laker, which has a net tonnage under the U.K. rule of 9,151 tons, and under the present Canadian rule, 10,328 tons. There is the motor vessel *Baie Comeau*, a canal size laker, which has under the British rule a net tonnage of 1,476 tons, and under the present Canadian rule, 1,634 tons. Another example is the steamship *Sept Iles*, which is an ocean-going vessel, and has under the U.K. rule a net tonnage of 11,691 tons, and under the present Canadian rule, 13,631 tons. The amendment is therefore designed to correct a condition unfavourable to Canadian ship owners who register their ships in Canada.

Mr. NESBITT: Mr. Chairman, I see that it is very close to one o'clock and I have a suggestion which I think might be helpful to all the members of the committee. In this section we will be discussing certain technical details as to tonnage and so on which are rather confusing and I am wondering if we might this afternoon have rough definitions made out by the officials of the department because it is difficult to follow this if we are not familiar with the terms.

Mr. LANGLOIS (*Gaspé*): I think that the definition is very simple. The gross tonnage of a ship is arrived at by measuring all the enclosed spaces in the ship; then, to arrive at the net tonnage, you deduct from that the space for the engineroom, propelling power and crew accommodation; after these deductions have been made you get the net tonnage.

Mr. NESBITT: Cargo-carrying capacity based on so many cubic yards, or something of that nature.

Mr. LANGLOIS (*Gaspé*): It is the measurement of the enclosed spaces in a ship.

Mr. NESBITT: The gross and the net tonnage are related to the cargo or the passenger-carrying capacity of a ship?

Mr. LANGLOIS (*Gaspé*): If you have in mind the space occupied by the cargo, you are right. I hope that my definition is clear enough.

The CHAIRMAN: We will now adjourn until three o'clock this afternoon. Luncheon adjournment.

AFTERNOON SESSION

The CHAIRMAN: Gentlemen, we have a quorum. We will refer to clause 2.

Mr. LANGLOIS (*Gaspé*): Mr. Chairman, before lunch I was asked for information about the number of boats between 10 and 15 tons which are presently registered. The figures were gathered during the lunch hour and are the following: on the west coast—857; others—2,497, giving a total of 3,354.

Now, I have also all the forms in connection with an application for registry. I have them here. I have the application for registry; the notice of name provision for British vessels; the declaration of assets by the vessel owner; vessel security—two of them Nos. 1 and 2—two sets of forms—declaration of ownership by an individual owner; builders certificate; carving note; the application for a distinguishing signal of the international code, for the purpose of making known the ship's name at sea; certificate of survey; the tonnage formula; and the certificate of registry itself.

If honourable members want these forms to circulate, in order to see what it is all about, I have them here. There is also a one-page declaration for the licence.

Mr. CARTER: Mr. Chairman, these deductions under clause 3 will lower the net tonnage of ships, is that right?

Mr. LANGLOIS (*Gaspé*): We are on clause 2 now, Mr. Carter.

Mr. CARTER: We are on clause 2; I am sorry.

Mr. NIXON: Is it all right to say "carried" now?

Mr. GREEN: Are you going to go through the bill and then come back to clause 2?

The CHAIRMAN: We thought we could carry clause 2 now, after all the explanations of the parliamentary assistant have been made, and if they are satisfactory.

Mr. GREEN: I would suggest that you let that clause ride until we go through the other clauses.

The CHAIRMAN: Let us go on to clause 3 and get somewhere.

Mr. CARTER: May I continue? These deductions will lower the net tonnage of a ship?

Mr. LANGLOIS (*Gaspé*): That is a fact.

Mr. CARTER: It says over here, "to any ship the keel of which is laid after the coming into force of this section...", it will not apply to ships already in existence?

Mr. LANGLOIS (*Gaspé*): It could be done under an application.

Mr. CAVERS: It is in the paragraph.

Mr. CARTER: And if the ship owner wants to reduce the net tonnage he can apply to have his ship re-measured?

Mr. LANGLOIS (*Gaspé*): Provided he complies with all the provisions. Paragraph 4 (b) says:

"If the owner has made a request in writing..."
and so on.

Mr. GREEN: That would enable him to change the registered net tonnage?

Mr. LANGLOIS (*Gaspé*): That is right.

Mr. GREEN: Once the bill becomes law?

Mr. LANGLOIS (*Gaspé*): That is right.

Mr. CARTER: I am thinking in terms of a person or a ship owner who has a ship, say of 165 tons; that ship is subject to inspection every year.

Mr. LANGLOIS (*Gaspé*): What is the tonnage again?

Mr. CARTER: Say 160 tons or 165 tons.

Mr. LANGLOIS (*Gaspé*): Yes.

Mr. CARTER: If, by re-registering, he can reduce his net tonnage to 150 tons, then he gets inspected every four years, is that right?

Mr. LANGLOIS (*Gaspé*): That is right.

That is net tonnage—we reduce only the net tonnage here.

Mr. CARTER: Yes.

Mr. LANGLOIS (*Gaspé*): Whilst the provisions regarding the inspection every year, or an inspection every four years, are based on gross tonnage.

Mr. CARTER: I am sorry; I was not clear on that.

Mr. LANGLOIS (*Gaspé*): So there would be no change in that respect.

Mr. CARTER: No change in that.

Mr. GREEN: What associations requested this change?

Mr. LANGLOIS (*Gaspé*): As I said this morning, it was requested first by the British government, because in accordance with the terms of the Commonwealth Merchant Shipping Agreement we must have the same tonnage measurements as they have in the United Kingdom and the other Commonwealth countries. Regarding the individual organizations which have requested this change, I said this morning that we had received such requests from Canadian Vickers Limited; from Imperial Oil Limited; and from the Canadian Shipbuilding and Ship Repairing Association.

The CHAIRMAN: Any further questions on clause 3.

Clause 3 agreed to.

On clause 4—Repeal.

Mr. LANGLOIS (*Gaspé*): In connection with clause 4, the provisions of section 112 are going to be covered under the regulations which are going to be made under section 109. That is why we are repealing this section 112.

Mr. GREEN: Can we have an explanation as to just how sections 107, 108, and 109 function? Those are the provisions governing licensing of small vessels. Could we have an explanation of how they function?

Mr. LANGLOIS (*Gaspé*): As you see in the explanatory notes of the bill, section 112 reads:

Whenever the property in a ship or vessel so required to be licensed passes wholly into new hands, the master or the new owner or managing owner, or one of the new managing owners, if there are more than one, shall, within one month after such change of ownership as aforesaid, take out a new licence at some port or place in Canada, and, upon receiving the same, shall deliver up the former licence, if in his possession, to the chief officer of customs at such port or place.

This is going to be covered by regulations made under section 109. You see, section 112 was kept in the statute until such time as we made regulations under 109. Mr. Green, you have before you the licensing forms. You can see there at the bottom of the page the regulations regarding the licensing of small vessels followed by the bill of sale. Have you got these forms, Mr. Green?

Mr. GREEN: Yes.

Mr. LANGLOIS (*Gaspé*): You will see there regulations 7 and 8.

Mr. GREEN: Section 109 gives the governor in council the power to make regulations:

(a) providing for the licensing of vessels equipped with detachable motors;

Mr. LANGLOIS (*Gaspé*): Yes.

Mr. GREEN: And then (b):

Providing for the licensing of vessels maintained or operated in Canada by a person who is not qualified to own a British ship,—
—which would not be pertinent to our discussion. Section 109 (a) appears to be the main one covering the licensing of vessels?

Mr. LANGLOIS (*Gaspé*): Yes.

Mr. GREEN: And it is restricted to vessels equipped with outboard or detachable motors. Now, where is the power given to license small vessels that do not have detachable motors?

Mr. LANGLOIS (*Gaspé*): If you refer to section 107. You have there the section on licensing of small vessels.

Mr. GREEN: That is for vessels and ships within the meaning of this part:

. . . that is employed in or owned for the purpose of fishing, trading or carrying loads of any kind . . .

That does not appear to apply to pleasure craft at all, is that right?

Mr. LANGLOIS (*Gaspé*): It applies to all licences, no matter the type of the boat.

Mr. GREEN: It says: "Employed in or owned for the purpose of fishing, trading or carrying loads of any kind in any of the waters of Canada . . ." Now, is that the section under which you would license small pleasure craft which do not have detachable motors?

Mr. LANGLOIS (*Gaspé*): That is the section under which all ships that are not required to be registered can be licensed. This is the main section for the licensing. You have to read section 107 in connection with section 108 which reads:

The master, owner, managing owner, or one of the managing owners, if there are more than one, of every ship exempted from the provisions of this part relating to measurement and registration shall also take a licence from the chief officer of customs at some port or place in Canada.

That covers all types of ships.

Mr. GREEN: I see.

Mr. LANGLOIS (*Gaspé*): And then we have the power to make regulations under section 109.

Mr. GREEN: Where is the provision releasing from measurement and registration? Which is the section of the act that does that?

Mr. LANGLOIS (*Gaspé*): That is section 8.

Mr. GREEN: Section 8, the section we were considering this morning?

Mr. LANGLOIS (*Gaspé*): Yes, which we considered this morning. There was an amendment to it.

Mr. GREEN: Then in the case of these vessels that are licensed under sections 107, 108, and 109, the only information taken is this declaration form, which has been distributed to us?

Mr. LANGLOIS (*Gaspé*): That is quite correct.

Mr. GREEN: It reads: "I, the undersigned . . ." and then the residence and the province and so on. Then the declaration is as follows: "I am entitled to have a licence for the outboard motor, inboard motor, auxiliary sail . . ."

three types of vessels, and located at such and such a place, "for which the following are particulars: length; breadth; depth; registered tonnage—approximately; particulars of engine; maker's name; engine number; cylinders—H.P.; particulars of owners" and then other particulars required. That is all the information that the department will get about all of these ships?

Mr. LANGLOIS (*Gaspé*): No, besides this there is the information we get from our inspectors when the certificate of inspection is issued; the boats will have to be inspected. They are subject to inspection.

For ships under five tons, we do not have a regular inspection certificate, but our inspectors make spot checks, and the R.C.M.P., I am told, cooperate with our inspectors in that respect.

Mr. GREEN: Passenger vessels under five tons and cargo boats under fifteen tons?

Mr. LANGLOIS (*Gaspé*): Yes.

Mr. GREEN: They do not have any regular inspection. Now, what about the vessels that are neither passenger vessels nor cargo vessels? What inspections —

Mr. LANGLOIS (*Gaspé*): It is spot checking.

Mr. GREEN: I beg your pardon?

Mr. LANGLOIS (*Gaspé*): It is spot checking by our own inspectors, and by the R.C.M.P. officers.

Mr. GREEN: There is no regular check, but they check the boat at one time or another, is that right?

Mr. LANGLOIS (*Gaspé*): Yes.

Mr. GREEN: And in respect to all these ships that are to get a licence, as distinguished from getting a registration certificate, this declaration form 1503 contains all the information that the department will have about that ship, is that right?

Mr. LANGLOIS (*Gaspé*): That is right.

Mr. GREEN: There is none of that information entered on any register at all?

Mr. LANGLOIS (*Gaspé*): That is right.

Mr. NESBITT: These two very brief questions: on that form used for licensing, at the very top it has the port number and the licence number of the customs office. In what way would the port number differ from the customs office? Because those customs offices, to all intents and purposes, are the port of registry, are they not?

Mr. LANGLOIS (*Gaspé*): That is right.

Mr. NESBITT: What is the differential between the two?

Mr. LANGLOIS (*Gaspé*): I am told that the two first figures are the port number and then the letter.

Mr. NESBITT: That is sort of a code?

Mr. LANGLOIS (*Gaspé*): Yes, it is a code we have.

Mr. GREEN: Just another question about these licensed vessels; do they have to be transferred in any particular form? I ask that, because where you have a registered vessel it can only be transferred by the form prescribed by the act.

Mr. LANGLOIS (*Gaspé*): It is not compulsory. It is suggested only at this stage.

Mr. GREEN: What about the mortgage on one of these small licensed vessels as distinct from a registered vessel?

Mr. LANGLOIS (*Gaspé*): You cannot register a mortgage unless your ship is registered.

Mr. GREEN: There is no provision for registering a mortgage against a licensed vessel?

Mr. LANGLOIS (*Gaspé*): No.

Mr. GREEN: It would have to be mortgaged in just the same way as you might mortgage, say, a horse, or a cow, or an automobile?

Mr. LANGLOIS (*Gaspé*): That is right.

Mr. GREEN: Under the provincial law in the ordinary way as a chattel mortgage?

Mr. LANGLOIS (*Gaspé*): Yes, if the owner wants a marine mortgage he would have to register the ship.

Mr. BARNETT: I am wondering what part of section 109 gives the governor in council power to make regulations which are equivalent to those under section 112, which we are deleting. I am wondering, since we are taking out section 112, whether we should not include a subsection in section 109 giving the governor in council power to make regulations covering the transfer of licences. Or is there some other clause in this bill which would cover that situation?

Mr. LANGLOIS (*Gaspé*): We consider that subparagraph (a) and subparagraph (e) cover the point.

Mr. BARNETT: What about subparagraph (g)?

Mr. LANGLOIS (*Gaspé*): Yes, subparagraph (g) partly covers that also.

Mr. BARNETT: I cannot see how subparagraphs (a) or (e) cover the transfer of licences.

Mr. LANGLOIS (*Gaspé*): I beg your pardon.

Mr. BARNETT: I cannot see how subparagraph (a) or subparagraph (e) of section 109 cover that point, though I see that subparagraph (g) might have some effect.

Mr. LANGLOIS (*Gaspé*): Subparagraph (e) prescribes the vessel or classes of vessels to which section 107 or 108 will not apply, and subparagraph (a) provides for the effect of carrying out the licensing provisions of this part; so it is all inclusive.

Mr. BARNETT: As I understand it, section 112 of the act as it now stands makes specific provision that within a certain time—

Mr. LANGLOIS (*Gaspé*): That is only for the change of ownership. I do not know if you have seen this licence—there is even a form of transfer included in the licence itself. Perhaps Mr. Green could pass his copy over to you. The form is included in it.

Mr. BARNETT: If we take away the legislative authority for the regulations in respect to changes in section 112 which this amendment proposes, are we satisfied that section 109 gives us the authority to make these changes of ownership?

Mr. LANGLOIS (*Gaspé*): Yes sir and our legal advisers advise us to that effect.

The CHAIRMAN: Are there any further questions?

Mr. GREEN: What are the vessels which have been exempted under section 109 from the application of sections 107 and 108?

Mr. LANGLOIS (*Gaspé*): You have it, Mr. Green, on clause 6—page 2 of the small vessels licence.

Mr. HAHN: Has Mr. Langlois any of those licence applications which he could pass around?

Mr. LANGLOIS (*Gaspé*): The number is limited. I have two more copies here. I have three copies.

Mr. GREEN: What changes is it intended to make under these regulations, when this bill becomes law?

Mr. LANGLOIS (*Gaspé*): Would you mind waiting, Mr. Green, until we reach clause 27 when this question can arise.

Clause 3 agreed to.

On clause 4—Repeal.

Clause 4 agreed to.

On clause 5—Return of vessels licensed.

Mr. LANGLOIS (*Gaspé*): The present section places an excessive work-load on customs officers at prescribed periods. The amendment is designed to permit returns to be made in a different manner, to distribute the work over the year and to permit more regular checking in the department. The present section results in the placing of an excessive amount of work on customs officers at the prescribed periods. You will notice, reading the section, that there is a prescribed period during which these returns must be made. The amendment is designed to permit returns to be made in a different manner and to distribute the work over the year and permit more regular checking in the department. It is only a routine matter.

Mr. GREEN: Apparently the department is no longer going to require an annual return.

Mr. LANGLOIS (*Gaspé*): No, not at a fixed date. It will be at the direction of the minister. I am informed that the returns are going to be sent at regular intervals.

Mr. GREEN: The explanatory note says that annual returns are no longer required. Is it a fact that we are doing away with the need for annual returns?

Mr. LANGLOIS (*Gaspé*): They will be sent daily as they come in, instead of being sent on a fixed date. Section 113 reads:

Every officer of customs authorized by this part to license ships and vessels, shall, on or before the 1st day of February in each year, make and forward to the minister a return in such form, and containing such particulars as the minister, from time to time, directs, of all ships and vessels licensed by him during the year ending on the 31st day of December then past.

Mr. NESBITT: I do not know whether it would be better to ask this question now or when we reach clause 27, but in view of this contemplated alteration and the more prompt filing with the department in Ottawa of the licences, is it contemplated that there may be licences issued for more types of ships than there are at the moment?

Mr. LANGLOIS (*Gaspé*): It would be better if we dealt with this matter under clause 27.

Clause 5 agreed to.

On clause 6—Sufficient engineers for watch periods.

Mr. LANGLOIS (*Gaspé*): Clause 6—this has to do with engineers on fishing vessels.

Paragraph (a) of the proposed amendment provides for a watch-keeping engineer in a motor-driven fishing vessel of not more than 30 nominal horse-power but more than 15 nominal horse-power to

hold a certificate as watchkeeping engineer of a motor-driven fishing vessel in lieu of a fourth class engineer's certificate.

Paragraph (b) eliminates the necessity for a watchkeeping engineer in a motor-driven fishing vessel of not more than 15 nominal horsepower to hold a certificate.

The reason for the above changes is that, in the opinion of the Board of Steamship Inspection, watchkeeping engineers of small fishing vessels should, due to their limited academic training, not be required to pass a technical written examination but should demonstrate a good practical knowledge of the type of internal combustion engines generally used in fishing vessels. This will tend to relieve the fishing industry of the difficulty of obtaining certificated watchkeeping engineers who are familiar with fishing operations.

Mr. LEBOE: Why is the word "steamship" there when apparently this affects boats driven by internal combustion engines?

Mr. LANGLOIS (*Gaspé*): We used the word "steamship" because it appears in the interpretation section of the act. "Steamship" is defined in the interpretation section of the Shipping Act as "any powered ship". It is all-inclusive.

Clause 6 agreed to.

On clause 7—Prior certificates.

Mr. LANGLOIS (*Gaspé*): Clause 7 is in connection with section 116 of the act. This amendment deals with the regular certificates of competency, specifically the certificate as master of a small steamship. The present section provides for a lower class of certificate for a steamship under 150 tons. It is considered that the examination now set for this class of certificate is adequate for the navigation of a steamship of under 350 tons gross tonnage.

A mariner may obtain the certificate as a master of a home trade steamship of 150 tons gross as provided in the present section if he has served 48 months at sea and passes an examination in reading, writing and arithmetic; use of magnetic compass; elementary chart work; the use of tide tables, sailing directions and notices to mariners; rules of the road and general seamanship; and signals. On the other hand, if his ship is over 150 tons, he must hold an unlimited certificate for a home trade steamship, which entails first obtaining a mate's certificate and serving for a prescribed period as mate, then undergoing a further examination for master, which requires a knowledge of astronomical navigation involving the use of spherical trigonometrical formulas.

The amendment is designed to permit competent mariners to command small coasting and inland vessels of up to 350 tons gross tonnage without learning astronomical navigation, which is not considered necessary in this class of vessel.

(2) This subsection is to provide that the present holders of certificates for steamships under 150 tons gross tonnage may retain the validity of those certificates or may have them exchanged for the new certificates without further examination.

Mr. HERRIDGE: I am interested in this clause and I want to ask a few questions if this is the proper time. Do I understand that now every master of a vessel must have a certificate, particularly in connection with passenger vessels, but that in some cases the department issues a permit? Would the parliamentary assistant explain in what circumstances a permit is issued to the master of a passenger vessel?

Mr. LANGLOIS (*Gaspé*): These permits are issued under section 137 of the act. I do not know if the committee wants me to read this section, but it gives the minister the power to waive the provision of the act so far as these certificates are concerned. The section provides the machinery for this waiver. I do not think there is anything further that I can add.

Mr. HERRIDGE: I presume the permit is issued under special circumstances?

Mr. LANGLOIS (*Gaspé*): That is right.

Mr. HERRIDGE: For how many years is a permit renewed?

Mr. LANGLOIS (*Gaspé*): It is good for a navigation season only and, I am told, sometimes for a single voyage.

Mr. HERRIDGE: For how many years will the department renew a permit for a master who has never taken an examination?

Mr. LANGLOIS (*Gaspé*): I am told it depends on the availability of certificated officers. If it is demonstrated to the minister that no certificated officers can be found, and the circumstances have not changed since the last permit was issued, consideration is given to renewal of the permit.

Mr. HERRIDGE: I am informed by members of the Merchant Seamen's Guild that the department in British Columbia has issued permits for seven years in succession to the master of a passenger vessel while at the same time there were qualified captains available—captains who were unemployed as far as steamship work is concerned.

Mr. LANGLOIS (*Gaspé*): That is why we want to do away with these permits and amend the law now. That is the main purpose—to do away with these permits. I am told that the officials of the department are not aware of the specific case you have referred to, but if they had details they would be pleased to investigate.

Mr. HERRIDGE: I may tell you that at the request of some of the members of the Merchant Seamen's Guild I took this up with your chief steamships inspector some time ago—

Mr. LANGLOIS (*Gaspé*): That was with regard to an inspection certificate.

Mr. HERRIDGE: No, this certificate.

Mr. LANGLOIS (*Gaspé*): It should have been taken up with marine services division.

Mr. HERRIDGE: I did not get any satisfaction, and neither did the members of the guild.

Mr. LANGLOIS (*Gaspé*): The chairman of the steamboat inspection office tells me the matter never reached him. Have you the name of the ship?

Mr. HERRIDGE: I will give you the name of the ships and the man's name.

Mr. LANGLOIS (*Gaspé*): It should be investigated by our marine service division.

Mr. HERRIDGE: If a person is certificated as the master of a passenger vessel can he stay ashore and let a deckhand run the vessel?

Mr. LANGLOIS (*Gaspé*): Definitely no. I may say in connection with these permits that as a rule we place on the master or owner who makes an application the responsibility for the facts given us, but in most cases we also check with the guild to find out if the facts as represented to us are accurate.

Mr. NESBITT: In the examination from which Mr. Langlois has read, I think I got most of it, but I was not sure of number two. Is there any examination required with respect to the upkeep and maintenance of the ship?

Mr. LANGLOIS (*Gaspé*): Oh yes. Part of the examination has to do with what we call seamanship, and it includes construction, maintenance and so on.

Mr. NESBITT: Is there any part of the examination which requires at least a cursory experience in the handling of automatic aids to navigation such as long range navigation like LORAN?

Mr. LANGLOIS (*Gaspé*): Yes, you mean radar and so on. They also have to have a knowledge about stability problems, gyro-compasses and so on.

Mr. HERRIDGE: I have one more question. How long would the department continue to issue permits to masters of passenger vessels without requiring them to take an examination?

Mr. LANGLOIS (*Gaspé*): As long as we have section 135 in the act the minister will have the power to exercise this waiver.

Mr. HERRIDGE: In other words, indefinitely. I have one more question.

Mr. LANGLOIS (*Gaspé*): I am told we are getting to the point where these permits will be cut off within a very reasonable period of time completely. That is why we seek an amendment to the act in order to make it a little easier for those who do navigation only in sight of land, what we normally call pilotage. We shall in this case require an experienced mariner to know his trade completely; he should have spent a number of years at sea. We would not require of him in addition to take a complicated examination in astronomical and celestial navigation and the use of the sextant. But if he lacks a primary education he is absolutely precluded from taking a very complicated examination and he has no hope of ever becoming a certificated officer. That is why he has to come to us and ask for a permit when there is no certificated officer around.

Mr. HERRIDGE: I understand that. Does a vessel or vessels operated by the provincial government come under the terms of the Shipping Act in respect to crew and inspection of the vessel itself?

Mr. LANGLOIS (*Gaspé*): Registration is not compulsory with crown-owned ships. As soon as they comply with the registration requirement they have to comply with the requirements of the whole act.

Mr. HERRIDGE: You mean the requirements under the Shipping Act with respect to licensed personnel?

Mr. LANGLOIS (*Gaspé*): Yes.

The CHAIRMAN: Are there any further questions on clause 7?

Mr. CARTER: There is a problem in my riding and one which is fairly general in Newfoundland, about the certification of masters. Prior to confederation our government did not require a master of a coast-wise vessel to take a written examination. But when we came under confederation we became subject to these regulations and now we are handicapped in this way that we have certain competent men who have had years and years of experience as masters of ships and who are capable of taking an examination, and they have all the qualifications, but they cannot get a certificate because they wear eye glasses.

Mr. LANGLOIS (*Gaspé*): There is an eye test they have to take, and they also have to take a colour test.

Mr. CARTER: I can understand that if it were made applicable to everybody, but we all know that as we become older our eyesight becomes impaired and we have to wear glasses. There are so many captains—I suppose 70 per cent of captains of vessels who are over 50 years of age wear eyeglasses. The only difference between those fellows is that they do not get by their examination if their eyesight is impaired. But their eyesight is practically or just as good as that of the ordinary captains or master of a ship. It imposes a terrific handicap on some of our shipowners because they have to employ two captains, a captain who has no glasses, to comply with the regulations, and they have to keep some man on because he probably conducts the business of the ship and the landing of the cargo, and works with the agent. In fact, some of those skippers own their own boats yet they have to employ a captain after sailing their own ships for, let us say, twenty years.

Mr. LANGLOIS (*Gaspé*): You have a point there, and we are ready to look into it in the light of what you have told us. Anyway, this would come under the regulations.

Mr. CARTER: I would like to have the problem investigated because it is a real one in my riding.

Mr. LANGLOIS (*Gaspé*): We shall investigate it.

The CHAIRMAN: Are there any further questions?

Mr. BARNETT: Do the present regulations call for a person taking an examination and being able to pass an eye-test without glasses? Is that the normal thing? It is not like when you apply for an automobile driver's examination where you are restricted if you wear glasses?

Mr. LANGLOIS (*Gaspé*): They have to pass an examination without glasses under the present regulations.

Mr. HAHN: Does it not also apply to colours?

Mr. LANGLOIS (*Gaspé*): I said they would take in addition to the eye-test a colour test. We cannot waive the colour test requirements because they have to be able to distinguish between green, red, and white lights. That is very important and we cannot do away with it.

Mr. HAHN: Provided that your ability to see colour is all right.

Mr. LANGLOIS (*Gaspé*): We cannot do away with the colour blindness requirements.

Mr. CARTER: I was not asking about that, but just in the case of ordinary sight.

The CHAIRMAN: Does clause 7 carry?

Mr. GREEN: How many vessels are affected by this change from 150 to 350 tons?

Mr. LANGLOIS (*Gaspé*): Roughly, 200 vessels.

Mr. GREEN: Do you know how that number of vessels is divided?

Mr. LANGLOIS (*Gaspé*): I am sorry but we do not have a break down between the east coast and the west coast if that is what you have in mind; if that is the break down you want.

Mr. GREEN: If there are only a few of them, then why is it necessary to relax the regulations?

Mr. LANGLOIS (*Gaspé*): If we have to issue 200 permits for those 200 vessels, then it would mean 200 permits less to be issued. And they will have to qualify in basic navigation, but we tell them "You are not going to have to take up the use of the sextant and to learn about logarithms", because their education just prevents them from understanding these things. When you act as master of a ship in sight of land you cannot even use your sextant, because in order to use a sextant you must have a natural horizon, there ought to be no mountains and no land in between. So what is the use of asking them to take up these extensive studies if they are prevented by their lack of basic education, and if they are never to put them into use anyway?

Mr. GREEN: Hitherto the provision has been that they could become masters of a ship of less than or up to 150 tons but now you are changing that and making the licence applicable to a vessel up to 350 tons; in other words you are putting these men who have these limited qualifications in charge of bigger vessels. Why is it necessary to do that? That is what I cannot understand. Why relax the regulations? Why relax the provisions of the act in that way?

Mr. LANGLOIS (*Gaspé*): You see today we are called upon to issue these permits, to which so many object, to experienced men in charge of ships between 150 and 350 tons. If we say "No, you are going to have to pass an

examination. Well, we are knocked off, we are putting aside a number of good mariners who have spent all their lives at sea and who know the waters in which they are going to ply—they know them by heart.

Mr. GREEN: Apparently today you have men handling these ships of up to 150 tons and who have limited qualifications. They must have known right along that they could only command a ship up to 150 tons. But now, for some reason or other, you are making it possible for these men to step on to ships which are over twice as large. Surely that cannot be because you have been issuing permits hitherto to these masters to do that sort of thing; why is it necessary now to open up the classification so widely that these men can take command of ships which are twice as large as they were qualified to command without this bill being passed?

Mr. LANGLOIS (*Gaspé*): This amendment is based upon the experience we have acquired over a number of years. We have come to the conclusion that we should not make it compulsory for those who have had the experience which I just mentioned, to take a severe examination when they can do it with a lesser examination. It is my understanding that in England they have no such requirement or such an examination for ships plying in home waters only.

Mr. HAHN: What do the American regulations call for in that respect?

Mr. LANGLOIS (*Gaspé*): I do not know and our officers do not know, but for myself I think that they have about the same regulations that they have in England, that is, they have no certificates for ships plying in home waters, but I do not want the committee to take that as the gospel truth.

Mr. GREEN: Is it not possible for us to train a young man to become a master mariner who can qualify for a master's certificate? It seems to me that this is a backward step to take to reduce the qualifications. Surely the young men coming along now can get sufficient additional training to be able to qualify under the present law to command a ship of over 150 tons.

Mr. LANGLOIS (*Gaspé*): In doing this we are aware that we would be imposing a stiff penalty on those older mariners who have all the necessary experience and who have been plying these waters for years, and who surely would know more about what they are doing than a young man who is just coming along even if he has a certificate in his pocket.

Mr. GREEN: How are the old mariners being penalized? They have already the power to command a ship up to 150 tons. They have never expected to command a ship of any bigger size. How are they being penalized if you do not increase the size of the ship which they may command?

Mr. LANGLOIS (*Gaspé*): In Newfoundland we have hundreds of these old sailors who had never been compelled to take certificates before the Union with Canada. Now they are coming under Canadian laws. If we ask them to take these examinations we are in effect putting them ashore for the remainder of their days.

Mr. GREEN: These men, at the present time, presumably are commanding vessels up to 150 tons.

Mr. LANGLOIS (*Gaspé*): We have been issuing permits with the hope that with time these men will be able to qualify; but we have come to the conclusion now, through our experience, that we can never expect them to qualify.

Mr. GREEN: How many are there in that category?

Mr. LANGLOIS (*Gaspé*): About 200 vessels would be affected.

Mr. GREEN: That number will be coming down each year. Why not issue permits rather than lower the whole standard all over Canada?

Mr. CARTER: I think, Mr. Chairman, that there is another side to this question. The 150-ton ships are disappearing because they are not economical ships; they are being replaced by larger ships. If you relegate those captains to ships of that size—150 tons—they will have to say ashore anyway.

Mr. HAHN: Could the same thing not have been done by having the present day 150-ton regulation apply except in the case where a licence has heretofore been granted to a mariner?

Mr. LANGLOIS (*Gaspé*): In connection with these men who are qualified to command a ship of 150 tons, you have to bear in mind that we are dealing with owners who are acting as masters themselves, who built their own boats, it is family concern. These men when the time comes to renew their ships they want to keep them below 150 tons, since we are restricting them in the size of their ships, because for a ship over 150 tons they need a certificate. I do not think that it is a wise policy to carry on with this while we know that they do not have to have all this knowledge which we are forcing them to learn in order to get a regular home trade or minor waters certificate. They will never use that in their daily life and in the handling of their ships. We say, "Why force these men out of their trade and put them ashore for the remainder of their days." They are good mariners, they can take less stiff examinations and we will still have the same standard of security.

Mr. HAHN: Mr. Chairman, this is one of the only times I can recall where it has been found desirable, apparently, to cause us to have a lower certification for anything. Teachers require a higher certification in order to carry on in the teaching profession, and other professions likewise. I consider shipping a profession, if not in the true sense. I cannot see why, if you keep the 150 tons in the clause, that you could not make a proviso that heretofore where mariners had been in operation of these vessels that they be granted permission to continue during their lifetime. By doing so you would be causing others to enter the field and to get the certificate which is possibly necessary, not at the moment but if we are to have increased tonnage. I will not take Newfoundland as a specific example; take British Columbia, why should not the mariners who wish to operate vessels make it a point to get that qualification? They would be repaid in some manner at a later date through their knowledge and experience which they have gained, either by becoming captains or by being given larger vessels, or in some other way.

Mr. LANGLOIS (*Gaspé*): Possibly, Mr. Chairman, I could add this. It was in 1948, I think, that we extended the limits of our home trade right down to the sixth degree of northern latitude, and as a result of that and as a result of technological improvements we have had to raise our standards for the regular certificates. But we have come to the conclusion that it was not wise to ask the master of a ship plying only along the shores in sight of land to take these more complicated examinations and thereby learn something which he will never use. That is one of the main reasons why we have decided to lower these requirements for this category of certificates.

Mr. GREEN: You are lowering the requirement.

Mr. LANGLOIS (*Gaspé*): I must tell you that, as far as I myself am personally concerned, and I do not claim much experience except that I have been connected with boats ever since I have been able to walk, the requirements which we have for these lesser certificates are coming close to what the regular certificates were thirty years ago.

Mr. CARTER: Mr. Chairman, I think we should understand that if we are to impose these examinations on a master that the ship is no better off. The master would not be a better navigator in coastal waters and it would not

make him a better captain. As a matter of fact, most of this is just local knowledge. For instance, the captain knows the headlands and where the rocks are, and no amount of book-learning can do that; but, on the other hand, by imposing these regulations we are imposing a much higher standard than Britain demands in her home waters.

Mr. BYRNE: This section does the very thing that Mr. Hahn is suggesting. It is only for prior certificates. It takes care of anyone who had a certificate and does not say anything about the new mariner.

Mr. GREEN: Yes, it does, because it provides that from now on anyone who gets that certificate can command a ship of 350 tons instead of a ship of 150 tons.

Mr. BYRNE: But he must have been a mariner.

Mr. GREEN: No. It goes on in clause 7 to say that the man who has a certificate for a 150-ton ship shall automatically be qualified for a 350-ton ship.

Mr. NESBITT: Possibly we might remember that here we are dealing with gross tonnage which is related to cargo-carrying capacity and that new ships are being built, such as diesels, and that a ship of 350 tons is not anything like twice the size of a ship of 150 tons; it may be somewhat larger in that it may have a larger volume of cargo-carrying capacity because of the difference in size of the engine and that sort of thing, but not the difference which might appear here from the account we have had.

Mr. BARNETT: I gathered from the evidence which has been given before the Senate committee by Mr. Baldwin that this change had been made because of the conditions which applied on the Atlantic coast. I think those of us from the Pacific coast should be entitled to get before us a clear picture of just what are the implications of this change in respect to the British Columbia coast. By and large our coastal shipping is not operated by people who own their own vessels. Therefore, the question which I would like to ask is, as a result of this change, will large shipping companies presently operating on the west coast be able to employ masters in the coastal trade with lower qualifications than heretofore? What is going to be the long range effect of this? Are we going to have a lower grade of certificate for masters operating our coastal ships in British Columbia, shall we say, when the present masters who are now operating those ships retire?

Mr. LANGLOIS (*Gaspé*): I do not think so. You must bear in mind that a ship of 350 gross tons is a ship of about 150 feet in length, and that the amendment applies only to that class of ship.

Mr. LEBOE: Mr. Chairman, have you had any representations from these unions? These men must have a union or a guild.

Mr. LANGLOIS (*Gaspé*): No. We have had no representations from the unions, but we have had representations from owners and from one of their associations to that effect.

Mr. GREEN: Just who have you had a representation from?

Mr. LANGLOIS (*Gaspé*): From various owners on the east coast and Newfoundland. The association is the St. Lawrence Ship Owners Association.

Mr. GREEN: What was the effect of the representations?

Mr. LANGLOIS (*Gaspé*): That the tonnage be raised, and they went as far as 400 tons.

Mr. GREEN: It does exactly what Mr. Barnett has suggested. Once this goes through, a company having a vessel of 350 tons can put on a master with a lower certificate than they can at the present time.

Mr. LANGLOIS (*Gaspé*): I do not think that the St. Lawrence Ship Owners Association represents any company-owned ships; the ships are all owned by master-owners themselves.

Mr. GREEN: That is something which can be done by a company having vessels from 150 to 350 tons. At the present time they have to come in the first category, that is for steamships; but once this bill becomes law they can replace those masters with masters having lower qualifications.

Mr. LANGLOIS (*Gaspé*): I wish to remind the committee that, although we are going to have a less difficult examination for the masters they will be as competent as they are today. Let me emphasize again the subject matter of the examination which will be taken. There will be an examination in reading, writing, arithmetic, use of the magnetic compass, chart work, the use of tide tables, sailing directions, notices to mariners, seamanship and signals. That covers pretty well everything that a good sailor ought to know.

Mr. CAVERS: Mr. Chairman, is this not a more practical course for actual seamanship than a course which would deal with the operation of certain instruments which would not be used at all in the coastal trade?

Mr. GREEN: Surely you are not suggesting that the "B" certificate is better than the "A" certificate.

Mr. CAVERS: It is possibly more practical.

Mr. LANGLOIS (*Gaspé*): I can tell you that there is not a great deal of difference between these certificates and the regular certificates which were issued some twenty-five or thirty years ago, because we have raised the standards quite extensively.

Mr. GREEN: That may be, but there is far more shipping on the waters now.

Mr. LANGLOIS (*Gaspé*): The largest shipping nation of the world has no special regulations. There is no certificate required in the United Kingdom in their home waters.

Mr. GREEN: Their home shores are better than ours.

Mr. LANGLOIS (*Gaspé*): I have been in the home waters of Great Britain during the war and they are as bad as ours if not worse.

Clause 7 agreed to.

On clause 8—

Mr. LANGLOIS (*Gaspé*): Clause 8 is a mere consequence, as you would see, from clause 6 of the bill, regarding the engineers on fishing vessels. It is merely a consequence of the amendment which we have just carried on clause 6.

Clause 8 agreed to.

On clause 9—"Masters of home-trade, inland waters or minor waters vessels".

Mr. LANGLOIS (*Gaspé*): Clause 9 has to do with section 119 regarding the certificates of service.

As the Canada Shipping Act has been amended from time to time, requiring certificated masters on vessels which had not previously come within this requirement, certificates of service were provided.

These certificates were granted to mariners who, by actual practice, had demonstrated their ability to operate their vessels but who by lack of education would not be able to obtain certificates of competency. A mariner who applied for a certificate of service was required to supply evidence of his service and pass a simple examination comprising the eyesight test, an oral examination in the fundamentals of the rules of the road, and in the case of a home trade vessel, certain one-flag signals of the international code of signals.

There has always been an understandable reluctance on the part of many of the mariners concerned, particularly the older men, to appear before an examiner and many of them have not obtained their certificates before the expiration of the time limit.

The department is sympathetic with these good seamen, particularly in Newfoundland and the St. Lawrence, whose lack of education causes them to fear any sort of examination. It would be unthinkable to stop their employment in the only occupation which they have followed all their lives and it is hoped by a gradual educative process eventually to have them all hold certificates of service. In the meantime, the powers of the Minister of Transport, under section 137, have been used to permit them to continue to act as master on the grounds that provisions of the act are substantially complied with.

The amendment is designed to eliminate the time limit so that the gradual process may take effect and at the same time to raise the tonnage to 350 tons to keep the class of vessel in line with the amendment to section 116.

It may be remarked that a certificate of service is not valid on a vessel carrying passengers or on a tug. The reason for its being limited to cargo vessels is obvious, and with regard to a tug, it may be noted that a tug is defined in section 2 (10) as a steamship used exclusively for towing purposes. This is specialized work for which a special certificate is already provided, and it is not considered desirable to extend to tugs the validity of the certificate of service.

Subsection 2 of the amendment provides for the continuing validity of the present certificates and for the substitution therefor of the new certificate.

Mr. GREEN: Mr. Chairman, that goes even further than the clause we were discussing a few moments ago. As section 119 reads at the present time, it applies only to men who have been masters of sailing vessels. It reads:

119. Every British subject who

- (a) served as a master of a home-trade, inland waters or minor waters sailing ship of over ten tons, gross tonnage, fitted with mechanical means of propulsion other than steam engines, before the 1st day of January, 1948, for a full period of twelve months within the ten years immediately preceding the date of his application for a certificate of service,...

Now, there was a good reason for a provision of that type up to the 1st of January, 1948. But now we are going right into the widest possible exemption by taking out the reference to a sailing ship, and it will now read: "...served as a master of a home-trade, inland waters vessel..." rather than a sailing ship, and "...of over ten tons, gross tonnage, ...for a full period of twelve months within the ten years immediately preceding...".

Now, in the first place that master should not have been serving in that capacity. I do not know how he could serve if he did not have a certificate. If there are a handful of older men who should be permitted to continue as masters, cover them by permit rather than by making such a wide open exemption as is written into this section. Here again, they are increasing from 150 tons to 350 tons the size of the vessel that he can command. The new section seems to be an entirely different type from the existing section. Surely there cannot be any reason to make a change of that kind?

Mr. LANGLOIS (*Gaspé*): Mr. Chairman—

Mr. GREEN: By the way, the minister said in the house, at page 5558 of Hansard:

When the existing provision was made a time limit was included, and it was thought that the time provided would suffice to allow all interested seamen to become properly certificated.

That would be up to 1948, and that is nine years ago. And then he had this to say:

The amendment proposed in clause 9 of the bill gives the provision a continuing effect and widens its scope.
It certainly does.

Mr. LANGLOIS (*Gaspé*): That is right.

Mr. GREEN:

It is hoped that in time, by a process of persuasion and education, all our domestic shipmasters will eventually become properly certificated under the act.

There is no incentive for them to become certificated if they can get the qualification under this section 119. Surely, there is no need now for a widened provision of that type?

Mr. LANGLOIS (*Gaspé*): Mr. Chairman, all that I have said in connection with clause 7 applies equally to this one. You must bear in mind that we are dealing with a man who has served as a master of a ship. If this man has served as a master on either home-trade, inland waters, or minor water vessels of ten tons and over, gross tonnage, he has the necessary qualifications. He has come from the deck up to the wheelhouse and he has taken charge of the ship for at least twelve months. He is qualified under the act.

Mr. GREEN: How could he do that without having a certificate in the first place?

Mr. LANGLOIS (*Gaspé*): That is exactly what was considered in the certificate of service which we instituted in 1948. It is to take care of these mariners who have been at sea for a long period of time, who have worked their way up from the lower deck, and who have shown from experience their ability to handle a ship. We will say, "After twelve months as master, you are entitled to a certificate of service". Now, what we are doing is that we are extending this, by first removing the ten year limit that we had imposed in 1948, and which expires in 1958, and then we are putting their certificate of service in the same class as the certificate under clause 7, by raising the tonnage from 150 gross tons to 350 tons.

Mr. Green remarked, and quite rightly, that we had taken out of the text of the original section the words, "sailing ship". We did that because sailing vessels have been out of existence for a good many years, and that expression serves no particular purpose in the wording of the section any more, because these men have gone through these years of experience, not on sailing vessels, but on auxiliary vessels—on motor-ships.

Mr. GREEN: But your new section does not say "served as a deck-hand".

Mr. LANGLOIS (*Gaspé*): "Served as a master".

Mr. GREEN: It says "served as a master".

Mr. LANGLOIS (*Gaspé*): Yes.

Mr. GREEN: For a full period of twelve months. Now, how could he serve as a master without having the certificate of a master? That is what I would like to know.

Mr. LANGLOIS (*Gaspé*): Well, to serve as a master—

Mr. GREEN: I beg your pardon.

Mr. LANGLOIS (*Gaspé*): To serve as a master he must have started as a deck-hand and worked his way up.

Mr. GREEN: We have many men who have done that on the west coast. They started out as as deck-hands, and they stayed and took their examinations, and finally became masters. That is a very desirable thing to have done. But, I cannot see the need of a provision of this type, because the act says he must have served as a master for twelve months. Now, how could he possibly serve as a master for twelve months without having the certificate of a master? If he has served as a master then he does not need this special provision.

Mr. LANGLOIS (*Gaspé*): This clause was designed, as I said in my remarks in the house, particularly to cover cases in Newfoundland where, before the act of union, there was no certificate required to command a ship in home waters. These men, through the act of union, came under Canadian law, where it is stated they must have a certificate. It is to cover these cases—to cover the cases of these Newfoundland mariners, who have spent their lives at sea. In 1948 we created this certificate of service. But, we are going now to eliminate the ten-year period during which they can obtain this certificate of service, and also increase the tonnage to 350 tons, also imposed in 1948.

Mr. JOHNSTON (*Bow River*): Mr. Chairman, may I just say a word here at this point? I am not a sailor—that is the thing to start out with. But, the minister expressed the hope, when he spoke in the house the other day, and Mr. Green has just quoted it again to bring it to our memories, that in time all these masters would qualify with the same certificate as those who will be required to qualify in respect to vessels over 350 tons, under this bill. Now, if it is the parliamentary assistant's hope that in time they will be able to qualify in order to carry on their work the same as a man who will now qualify in respect to the over-350 category, then I think he is going at it in the wrong way. I think what should be done here, if I can follow the parliamentary assistance as I think I can—what he is trying to do here is put a part in the act which would permit the people of Newfoundland, who have carried on the practice of sailing all their lives, to be placed in the position whereby they will not be thrown out of employment, but will be given the opportunity to operate their ships under this regulation. Because if they cannot qualify, if they have not the education or requirements, then I think what should be done, as has been suggested here before, is to give these men an interim certificate. Otherwise, if you are going to make this applicable to all generations coming up, then the people who you are—

Mr. LANGLOIS (*Gaspé*): It cannot be—it is impossible, because you have—excuse me for interrupting.

Mr. JOHNSTON (*Bow River*): Yes, go ahead..

Mr. LANGLOIS (*Gaspé*): You see, if you read this provision, under section 119, he would have to serve as a master first during twelve months before he could apply for this certificate. So, a young man coming along now will have to obtain a certificate. That is why we say we hope they will all qualify. That is why we have lowered the standards of the certificates under the other clause we have just carried.

Mr. JOHNSTON (*Bow River*): The new fellows will have to comply with the lower standards?

Mr. LANGLOIS (*Gaspé*): With the ones we have just passed in connection with—

Mr. JOHNSTON (*Bow River*): Clause 7?

Mr. LANGLOIS (*Gaspé*): Clause 7.

Mr. JOHNSTON (*Bow River*): But that is a lower standard than that they will have to have in order to master a ship over 350 tons?

Mr. LANGLOIS (*Gaspé*): Yes, that is right.

Mr. JOHNSTON (*Bow River*): What you are saying to me now is: he will have to qualify for lower standards in order to get the certificate?

Mr. LANGLOIS (*Gaspé*): Yes.

Mr. JOHNSTON (*Bow River*): You expressed your hope in the house the other day that all of these fellows would qualify for the higher standards.

Mr. LANGLOIS (*Gaspé*): You see, what we are doing—I am afraid there is a misunderstanding there somewhere.

Mr. JOHNSTON (*Bow River*): I understand that you are drawing up this in the bill so that there will be a lot of people, particularly in Newfoundland,—and I am not objecting to their having employment—so a lot of people in Newfoundland will not be thrown out of employment. They might be good men, as you say—and no doubt they are because of their training, from the ground up. If you are going to desire that in the future, as you expressed yourself in the house, all these men—the new fellows coming up—will attain a higher standard of training, you will not get it under this legislation, because they are all going to be satisfied with the lower standards for conducting ships under 350 tons compared to those over 350 tons.

Mr. LANGLOIS (*Gaspé*): I think we must bear in mind that we are dealing, under sections 107 and 109, with two categories of mariners. First we have the existing certificate, which is good up to 150 tons. In clause 7—we say we are going to raise that to cover ships up to 350 tons. Now, we go to clause 9, and we say that those mariners who have no certificate at all, though they have spent their lives at sea—most of them are to be found in Newfoundland—and we say to them: “Since you cannot qualify under clause 7, we will grant you a certificate of a master, provided you take a very rudimentary examination” as described in my previous remarks. That is why we say that we hope in the very near future they will all be qualified, because the younger generation would be certificated under the other procedure. Here we are dealing only with the “old timers” if I may express myself that way.

Mr. JOHNSTON (*Bow River*): Under clause 9, then, a certificate will be issued only to those already in the profession?

Mr. LANGLOIS (*Gaspé*): That is right.

Mr. JOHNSTON (*Bow River*): Anyone outside that, except those who are already in actual operation must have a higher certificate?

Mr. LANGLOIS (*Gaspé*): That is right.

Mr. GREEN: Why cannot that be covered under the present section as it already exists in the act?

Mr. LANGLOIS (*Gaspé*): What could be covered under that one, Mr. Green?

Mr. GREEN: Apparently for the last nine years you have been dealing with that situation under the present section 119. Why should the situation still not be covered adequately by simply substituting the words 350 tons for 150 tons in the present section 119.

Mr. LANGLOIS (*Gaspé*): Because a 10-year period was mentioned in the previous section.

Mr. GREEN: That would give them to 1958?

Mr. LANGLOIS (*Gaspé*): Yes, there is still about two years to go. Now we want to do away with the limit because, as I said in the house—and I repeated it here today—those old seamen, lacking basic education, are reluctant

to take an examination although we are satisfied that they have all the experience which seamen could ever expect to get, and we do not want to put them ashore.

Mr. GREEN: Under this section 119 they have to take an examination?

Mr. LANGLOIS (*Gaspé*): Yes, but it is a very simplified examination. I said it consists of an oral examination—we cannot ask them to take a written examination because many of them cannot read or write—dealing with the fundamentals, the “rule of the road” and visual one flag signals of the international code of signals. It is a very simplified examination.

Mr. GREEN: Apparently in 1948 the only men you were concerned about were men who had sailed as masters of sailing ships.

Mr. LANGLOIS (*Gaspé*): Yes.

Mr. GREEN: In 1948 that provision must have covered all the men in Newfoundland who were concerned in this. Why not leave it at that—or has a new group of men come into the picture in the meantime?

Mr. LANGLOIS (*Gaspé*): The 10-year limit is extended—

Mr. GREEN: You could put in a later date. But we are leaving out the reference to sailing ships; this covers the whole of the country, and I suggest you are passing a general law to meet a particular situation, which is very unwise.

Mr. LANGLOIS (*Gaspé*): The changes made here, Mr. Green, are made in the light of our experience. I am sure you will agree with me that in 1948 we had not dealt with the problem in Newfoundland as we have dealt with it since. Now we realize that we have to change the wording because we know how many of these old mariners there are who have had their experience not only in sailing vessels but in auxiliary schooners or small coastal motor vessels, and we find that if these men are to be certificated regularly we have to amend the act in accordance with what we are suggesting. That recommendation is made as a result of our experience in handling this problem in Newfoundland.

Mr. BATTEN: There are three things which might be considered with regard to this, Mr. Chairman. The first is the nature of the coast of Newfoundland. It is no good for a man with a master's certificate to come down and hope to take a small boat of 350 tons around the coast, because he is not going to be able to do it. I venture the opinion that the knowledge he would require is not, possibly, up to the level of a pilot's but he would require experience which can only be gained there over the years. Prior to 1949 we did not have very extensive facilities in Newfoundland for teaching navigation; maybe I should not say this, but I have the opportunity of teaching dozens of them. In the old days, for example, in Newfoundland a man was allowed to take his ship across the Atlantic with very meager qualifications for doing so. He would take the ship out of St. John's, strike the line of latitude on which the port to which he was bound was located, then steer due east on that line until he reached his destination. He followed the same procedure on his way home.

Of course, we cannot agree with this procedure now, but these are the fellows we are talking about, and over the years they have put in so much time around the coast of Newfoundland that they have acquired a great deal of practical experience and have acted as masters. Over the past few years those fellows now going to sea have been taking advantage of the added opportunities available to them by learning navigation and I think the one word that saves this clause is the word “master”. This applies to a man who has served as a master, and any fellow who has gone into the trade in the last 10 years cannot be a master, and would therefore be required to get a

proper certificate. All these old fellows have acted as masters and been considered as masters due to the experience and to the knowledge which they have accumulated over the years.

Mr. BARNETT: I understand Mr. Batten is saying that because of the experience they have gained at sea these men are fully qualified in their own waters. My question is this: what is to prevent a man, once he has been granted a certificate under this clause, from going out to British Columbia as a fully qualified master? This is a matter which I believe should be clarified. Could these masters operate in other waters on the strength of this certificate.

An hon. MEMBER: No.

Mr. BARNETT: I have been looking through the clause and I can see nothing in there which would prevent them doing so.

Mr. LANGLOIS (*Gaspé*): A master who has served his time as a master in the minor waters would get a certificate only for the minor waters. If he had served his time in the inland waters the certificate would only be in respect of inland waters, and so on.

Mr. GREEN: But the certificate for minor waters, for example, would apply equally in British Columbia. What is to prevent a man going across to the west coast and getting a job there?

Mr. LANGLOIS (*Gaspé*): I am told we can put limits on a certificate; if you want to limit this to the waters where a master has had his experience we are ready to consider the point. This point raised by Mr. Barnett is a good one and we are ready to have a look at it and to limit the certificate to the waters in which a man has acquired his experience.

Mr. GREEN: Why not write that into the clause. You say: "According to the waters served in". So why not limit it to the waters served in?

Mr. LANGLOIS (*Gaspé*): We show on the certificate that he has been a master in the home trade, inland waters, or minor waters, so he is limited in that respect so far as these waters are concerned.

Mr. GREEN: Minor waters are not divided up; there are minor waters in British Columbia, Ontario and Newfoundland—they are all minor waters, and if a certificate says he has served on minor waters he is eligible to take a job in British Columbia, and it is not fair.

Mr. HAHN: I think possibly Mr. Green has in mind the possibility that this certificate should not apply in British Columbia. If we were to write into the bill that this only applied in Newfoundland, or British Columbia, it would at the same time prevent a badly qualified from British Columbia going into another area.

Mr. GREEN: Quite, because this is a general certificate under the other provisions of the act. It would only be correct, because this clause is, in fact, intended to cover the case of a handful of Newfoundland masters who cannot qualify for the certificate because they cannot write the examination, but they have been given this special consideration because of their experience in their own waters. They should not be considered as properly eligible to command a ship in any other part of Canada, and in my view this should be confined to Newfoundland waters—

Mr. CARTER: And Nova Scotia.

Mr. LANGLOIS (*Gaspé*): Well, Mr. Chairman, we are ready to undertake that we will put limits on this certificate along the lines suggested today, but I may tell the committee that it will not be a very simple amendment to make because we will have to consider setting geographical limits, which might result in a very long and complicated wording. But, as I say, we are ready to give an undertaking that we will limit these certificates.

Mr. GREEN: Under the law you cannot do it unless you are given power by the act to do it, and you are not given power to limit the certificate under the act. You cannot give a restricted certificate as the law stands at the present time.

Mr. HAHN: I would support Mr. Green with regard to that in view of the explanation that I have received that there is a general masters licence which applies to those who have received a certificate elsewhere as apart from those who have received a certificate in Newfoundland and Nova Scotia, and in my opinion we should definitely have something in this bill which would prevent such masters from moving from Newfoundland or Nova Scotia to the west coast and taking advantage of having received their certificate under the provision now being considered.

Mr. BATTEN: You do not want us over there, eh?

Mr. HAHN: We are very interested, but we would like you to qualify.

Mr. LANGLOIS (*Gaspé*): In reply to Mr. Green's question regarding our power to make a limitation, I would refer him to section 125 of the Canada Shipping Act, subsection 2. It states there:

The certificate may be granted for a term not exceeding one year but may be suspended or cancelled for cause by the minister; the certificate shall describe the ship or class of ship and the specified limits.

That is true of a temporary certificate only; I notice that.

Mr. GREEN: I would think that the department could surely draw up a clause to put in this new section 119 which would meet that condition. You have already got there:

According to the water served in
And you could put in:
And limited to those particular waters

Or something of that kind. There is certainly no reason why a master getting a certificate under that provision should go on to the Great Lakes any more than he should be able to go out to British Columbia and command a vessel.

Mr. HABEL: Could we not serve this same purpose by inserting in line 6 of the subsection after the word "tonnage" the words: "subject to regulations"? That means that the department would have the power to enact regulations.

Mr. GREEN: You have in line 18 "such certificate is not valid on tugs"; you might add there—"or on any waters other than those where the men have qualified;" or something like that.

Mr. CARTER: Or "the waters other than—".

Mr. LANGLOIS (*Gaspé*): Since we are not ready to consider this point now may I suggest that we give an undertaking to consult with the drafting officers to see if we can work out an amendment and move it in the house when the bill reaches there. Is that satisfactory?

The CHAIRMAN: Would that be satisfactory?

Agreed.

Clause 9 agreed to.

On clause 10.

Mr. LANGLOIS (*Gaspé*): Clause 10 has to do with section 125 "temporary certificates". This amendment is merely to correct a printing error.

This amendment is merely to correct a printing error which appeared in the English text of the 1952 statutes, but not in the French text. As section 125 now reads, the limitation of 40 tons gross tonnage and the description of the voyages applies only to a steamship other than a passenger steamship, whereas these should apply also to passenger steamships certified to carry not more than 40 passengers.

Clause 10 agreed to.

On clause 11, "Temporary engineers".

Mr. LANGLOIS (*Gaspé*): Clause 11 has to do with temporary engineers.

The proposed amendment eliminates the provisions for the issue of a temporary certificate on a steam-driven ship and makes it possible for an engineer with a temporary certificate to operate a passenger ship driven by an internal combustion engine not greater than 6 n.h.p., rather than 4, when a ship is making voyages in sheltered waters.

The reason for the above change, in regard to steamdriven ships, is that steam engines in small passenger ships have been replaced by internal combustion engines.

The reason for the change in regard to ships propelled by internal combustion engines is that owing to advances in the science of marine engineering, an internal combustion engine of 6 nominal horse power does not require the attention of a highly trained engineer but, in the opinion of the board, can be operated with safety by an engineer with a temporary certificate.

Mr. HERRIDGE: Would the parliamentary assistant tell us what 6 nominal horse power means in terms of diesel horse power?

Mr. LANGLOIS (*Gaspé*): It is not related to brake horse power, but it would equal about 300 brake horse power.

Mr. GREEN: Is this another case of relaxing the provisions?

Mr. LANGLOIS (*Gaspé*): No. We are bringing them up to date.

Mr. GREEN: In fact, are we not relaxing the provisions?

Mr. LANGLOIS (*Gaspé*): It is owing to the development of the modern internal combustion engine which is more simplified and which does not require the same attendance and maintenance as the others.

Mr. GREEN: Under what section of the act can the minister set out the classes of home trade voyages and minor waters voyages? Under what section has the minister the power to set the different classes of home trade voyages and minor water voyages?

Mr. LANGLOIS (*Gaspé*): It is defined in section 2, the definition section of the act.

Mr. GREEN: What section gives the minister that power? This clause refers to home trade voyages, clause 4, and minor water voyages, clause 2.

Mr. LANGLOIS (*Gaspé*): Oh yes, which clause is that? I see you are referring to the classes of voyages.

Mr. GREEN: I want to know under what authority he can divide this home trade voyage into different classes.

Mr. LANGLOIS (*Gaspé*): I think it is made under the life-saving regulations made by order in council. We can give you the reference to the section of the act in a minute.

Mr. BYRNE: What is the sort of qualification that he would require?

Mr. LANGLOIS (*Gaspé*): In subsection 55 of section 2 of the act there is a definition of minor waters. It means, "all inland waters of Canada other than lakes Ontario, Erie, Huron (including Georgian Bay), Superior and

Winnipeg and the river St. Lawrence east of a line drawn from Father Point to Point Orient, and includes all bays, inlets and harbours of or on the said lakes and said Georgian Bay and such sheltered waters on the sea coasts of Canada as the minister may specify."

Mr. GREEN: That provides for the definition of minor waters, but where does the minister derive the power to divide those minor waters into classes 1, 2, 3, 4 and so on? I could not find it myself in the act. I ask this question for information purposes.

Mr. LANGLOIS (*Gaspé*): It is in the section under life-saving equipment. We will find it and give you the reference.

Mr. GREEN: We had that question arise in connection with a government ship which grounded on the west coast last spring.

Mr. LANGLOIS (*Gaspé*): It is section 401, Mr. Green. It is subsection 2 on page 180 of the Shipping Act which reads:

The regulations that the governor in council may make under subsection (1) in so far as they apply to safety convention ships, may include such requirements as appear to him to be necessary to implement the provisions of the safety convention.

Mr. GREEN: That covers it, yes.

Mr. HOLOWACH: I think in section 28 we are concerned that there be no enforcement for those who are required to take some form of examination to operate these vessels that are described; can you give us any example under what circumstances a temporary appointment could be made, or is made?

Mr. LANGLOIS (*Gaspé*): Perhaps Mr. Cumyn could answer that question.

Mr. A. CUMYN: When the vessel has received its nominal horse power under six, the owner may apply to a steamship inspector for the issue of a temporary certificate and that temporary certificate is issued on the basis of an oral examination which is given in practical engineering and the operation of the engine in question.

Mr. HOLOWACH: There is an oral examination which is given?

Mr. CUMYN: Yes sir.

Clause 11 agreed to.

On Clause 12 "Limit of licence".

Mr. LANGLOIS (*Gaspé*): Clause 12 has to do with section 329 paragraphs (n) and (o), limitation of the period of validity of pilot's licence.

The present subsections provide for a minimum period of two years for a pilot's licence. This is contrary to the provisions of section 338 which provides for licences for one year after a pilot has reached the age of 65. It is further desirable that a pilotage authority be empowered to issue temporary licences to pilots for any limited period, even for a few months, if necessary.

The CHAIRMAN: Are there any questions on clause 12?

Mr. HERRIDGE: Were any reports received from the pilotage authority in respect to this clause?

Mr. LANGLOIS (*Gaspé*): Various pilotage authorities have made such representations.

Clause 12 agreed to.

On Clause 13.

Mr. LANGLOIS (*Gaspé*): Clause 13: the present heading "Rights of pilots in pilotage districts in which the payment of pilotage dues is compulsory"

which first appeared in the Canada Shipping Act 1934, had the effect of depriving licensed pilots in districts where the payment of pilotage dues was not compulsory of certain protection which they had enjoyed previously. The amended heading is designed to restore to such pilots protection against the employment of unlicensed pilots.

The CHAIRMAN: Are there any questions on clause 13?

Mr. BARNETT: There is to be special protection given to the pilot, but what about the engineer? It is all right to give a temporary permit to the engineer or the master?

Mr. LANGLOIS (*Gaspé*): We are dealing with a different category altogether. We are dealing with pilots and we want to restore to them the protection which they had before the amendment. In this case it has to do with pilots and it has nothing to do with any other functions.

Mr. BARNETT: The pilot is in charge of the ship at certain times and so is the master.

Mr. LANGLOIS (*Gaspé*): What was that?

Mr. BARNETT: The pilot is in charge of the ship at certain points, the same as the master, and we do not want to see the pilot's rights encroached upon.

Mr. LANGLOIS (*Gaspé*): The master does not have to employ a pilot. He can do without a pilot. But if he is in an area where there is compulsory pilotage he would have to pay just the same. He does not have to use a pilot, but if he does use one, he must employ one who has obtained a licence. That is all we say in this clause.

Clause 13 agreed to.

On clause 14 "Prohibitions".

Mr. LANGLOIS (*Gaspé*): Clause 14 deals with section 354. The present section was applicable many years ago before radio telegraphy and telephony came into common use on board ships. The amendment to subsection (1) is designed to bring it in line with modern practice.

The amendment to subsection (3) of this section makes it an offence for an unlicensed person to act as pilot and for a master to employ such a person as a pilot. It should be noted that this amendment does not have the effect of forcing a master to employ a pilot. "Pilot" is defined in Section 2(64) as "any person not belonging to a ship who has the conduct thereof". Any master, whether in a compulsory payment district or not, is privileged to dispense with the services of a pilot if he or his officers are familiar with the waters and do not require assistance. If he does so in a district in which the payment of pilotage dues is not compulsory, he is relieved of any charge. It is considered that the formation of a pilotage district by the governor in council and the issuance of licences to competent persons lose their effect if any unlicensed person may act as pilot with impunity. Sanctions against unlicensed pilots and against masters who employ them have long been an accepted feature in laws governing pilotage in the United Kingdom.

Clause 14 agreed to.

On Clause 15, "Penalty".

Mr. LANGLOIS (*Gaspé*): This merely follows the amendment of section 354.

Clause 15 agreed to.

On Clause 16 "Payment of dues for ship moved without pilot".

Mr. LANGLOIS (*Gaspé*): The amendment of subsection (1) is required because of the change of heading preceding section 353. Section 357 applies only in a pilotage district in which the payment of dues is compulsory and the amendment is made accordingly.

The present subsection (2) has no meaning under present conditions. It appears to have been inadvertently carried over from an act previous to 1934, where it appeared in a different context. Accordingly, the amendment repeals this subsection and substitutes for it a provision modifying subsection (1).

Mr. GREEN: It is an exception, the new sub-section (2)?

Mr. LANGLOIS (*Gaspé*): The new subsection (2). You see, the master of a ship even in a compulsory district can move his ship without a pilot if he uses only the ship's lines.

Mr. GREEN: But there is a restriction on that provision contained in the last words "unless the pilotage authority otherwise provides by by-law". What is the meaning of that?

Mr. LANGLOIS (*Gaspé*): It allows the pilotage authority to withdraw that authority if it wishes to do so. Those by-laws are made by regulations made by the governor in council and it may be desirable in some districts to modify those.

Mr. NESBITT: The harbour in Saint John, N.B., would be a good example, I believe.

Mr. LEBOE: Why is it compulsory to pay the fees in this case if they do not use the service? Does it not say that the master may move his ship if he wishes without the services of a pilot except that he has to pay the dues in any event?

Mr. LANGLOIS (*Gaspé*): Not if he only uses his own lines.

Mr. LEBOE: The question I have in mind is why should he have to pay the dues if he moves his own ship? He is qualified to move the ship with power without a pilot but he still has to pay the dues.

Mr. LANGLOIS (*Gaspé*): That is the whole basis of the compulsory pilotage districts. What would be the use of organizing a pilotage district if any master could dispense of the service of the pilots as he liked without paying a penalty. We say if you think you can handle your ship yourself you will have to pay the same as you would to hire a pilot. Otherwise, the whole organization becomes useless.

Mr. LEBOE: Who set up the pilotage organization?

Mr. LANGLOIS (*Gaspé*): The pilotage authority is the Minister of Transport and the regulations are passed by order in council.

Mr. LEBOE: Who puts on the pressure to get this established?

Mr. LANGLOIS (*Gaspé*): The shipping people, the local boards of trade and those promoting the business in a particular harbour. I can tell you that we have many requests to establish additional pilotage authorities from boards of trade and organizations of that nature.

Mr. NESBITT: I know some of the areas in which there are compulsory pilotage districts; Saint John, N.B., is the most obvious one. Could you tell us how many areas in Canada are under a compulsory pilotage authority?

Mr. LANGLOIS (*Gaspé*): Saint John, Halifax, Sydney, Quebec, Montreal, Vancouver and Churchill. I am giving you the main ones.

Mr. NESBITT: Halifax is compulsory now?

Mr. LANGLOIS (*Gaspé*): Yes.

Mr. CARTER: St. John's, Newfoundland?

Mr. LANGLOIS (*Gaspé*): No. I am told that in St. John's there is an old provincial set-up.

Mr. CARTER: Yes. It is compulsory pilotage.

Mr. LANGLOIS (*Gaspé*): Yes, on a provincial set-up.

Mr. BARNETT: Distinct from compulsory pilotage, are there voluntary pilotages?

Mr. LANGLOIS (*Gaspé*): There is the Kingston-Montreal district which is not compulsory.

Mr. BARNETT: What about the Alberni inlet area on the west coast?

Mr. LANGLOIS (*Gaspé*): I am told that the whole west coast is compulsory.

Clause agreed to.

On clause 17—Repeal.

Clause agreed to.

On clause 18—Barge, etc., used to carry crew making voyages over 15 miles from land.

Mr. LANGLOIS (*Gaspé*): At present towed barges that carry a crew but not passengers are dealt with in section 481—amendment of 1953, chapter 20. It is thought that they should be separate from that section and dealt with in the same section as towed barges that carry passengers, that is, section 477.

With regard to the proposed subsection (3), this amendment requires barges, scows or like vessels that carry a crew, if making a voyage more than 15 miles from land, to be subject to inspection of their hulls and equipment, boilers and compressed air tanks, and to the regulations respecting life-saving and fire-extinguishing equipment, whereas under the present sections 481 and 479, they are subject only to the regulations respecting life-saving equipment, fire-extinguishing equipment, precautions against fire, and inspection of boilers. The reason for the above change, with respect to inspection of hulls, is that it is the opinion of the Board of Steamship Inspection that the hulls of such vessels should be inspected, it being noted that towed barges founder from time to time, and that during the past five years, of the towed barges lost, three involved a loss of life of six persons.

The reason for the above change, with respect to compressed air tanks, is that many towed barges are now fitted with diesel driven machinery having high pressure air tanks which, in the opinion of the Board of Steamship Inspection should be inspected at regular intervals.

This proposed amendment has been discussed with towboat owners and with the barge companies, and no objection has been raised. It is the intention to draw up special regulations governing the inspection of the hulls of these vessels, and these regulations will be drafted in consultation with the representatives of the industry concerned.

With regard to the proposed subsection (4), this subsection deals with the same type of vessel making voyages not more than 15 miles from land.

The same changes are being made with respect to inspection of compressed air tanks, but in the opinion of the Board of Steamship Inspection it is not necessary to require these vessels to undergo hull inspection owing to the sheltered nature of the voyages on which they will be engaged.

Mr. BARNETT: Mr. Chairman, I have just one question on this clause. I am not too sure of the facts, but I notice that this proposed amendment seems to cover only barges which are carrying a crew during the course of a voyage. I am wondering, in reference to the machinery to which the parliamentary assistant referred, whether there may not be barges which now have machinery installed which will operate only at the beginning and end of a voyage. I have in the back of my mind the barges on the west coast which are used for the moving of logs. I am wondering whether those barges, which I understand are provided with machinery to dump the logs into the water and which have complicated mechanisms on board, may not be subject to inspection in this respect and may be operated by crews only at the beginning and end of a voyage.

Mr. LANGLOIS (*Gaspé*): As I understand it, your question has to do with the type of barges which do not carry crews when they are at sea; they need the crews only at the beginning or at the end of the voyage and therefore they do not come under this clause.

Mr. BARNETT: I am not quite certain whether or not these barges do carry a crew. I have not actually seen one under way. I am wondering whether the officials might know in fact that they do or do not carry crews, and if they do not carry crews whether consideration had been given to the possibility of a need for inspection even though they did not carry a crew within the meaning of the present amendment?

Mr. LANGLOIS (*Gaspé*): To the best of our knowledge these barges do not carry a crew and do not need to be inspected. We might review the situation and if there are changes we will act accordingly. If they do not carry a crew during the voyage, they do not fall under this clause.

Mr. BARNETT: Would those barges be subject to the inspections and come under the safety regulations of the Workmen's Compensation Board of British Columbia?

Mr. LANGLOIS (*Gaspé*): I am not an expert on workmen's compensation under the British Columbia laws. I know in the province of Quebec, if you employ more than seven men, you automatically come under the Workmen's Compensation Board regulations. I do not know about British Columbia.

Mr. HAHN: We have two sections; one deals with barges under fifteen miles from land and the other deals with barges over fifteen miles from land. The question I have is relative to clauses 16 and 18 combined. I am wondering about those which are within the harbours; do these come under the ordinary pilotage authority in going through harbours?

Mr. LANGLOIS (*Gaspé*): No; they are local vessels and are not subject to pilotage.

Mr. HAHN: That raises the question of responsibility in the case of accident. Are all these barges covered by some form of insurance in the case of damage within a harbour?

Mr. LANGLOIS (*Gaspé*): There is no compulsory form of insurance, but I am sure that they can get insurance coverage if they wish. They can get insurance not only for the damage to the scow itself but also P.P.I. coverage which covers responsibility of the owner for damages or personal injuries to individuals or to any other thing but a ship, for example a dock.

Mr. HAHN: Damage is not always done to the dock or to the ship or to a bridge. Sometimes it is a matter of inconvenience. I was wondering about the use of the pilotage authority. We had in the lower mainland of British Columbia a case very recently where the old Marpole bridge was knocked out, and before that the old Queensborough bridge; the damage caused was negligible on the bridge itself but there was the inconvenience caused to the inhabitants on either side of the bridge. That makes one wonder if there should not be some kind of a guide to help them in the harbour.

Mr. LANGLOIS (*Gaspé*): They are exempt from pilotage and if such damage is caused it is up to the owner to have proper insurance coverage. In the case which you indicated, it would be Protection and Indemnity—P. & I.—which would provide adequate coverage.

Mr. GREEN: Mr. Chairman, I understood from the parliamentary assistant that this bill was to bring the Canada Shipping Act up to date; but he has here in the third line of the new section 477, "moved by sails or oars". What does that mean?

Mr. LANGLOIS (*Gaspé*): I am told that there are still barges moved by sails and oars and cables. That is something which we have carried over from the past and which is still very much with us—barges handled by cables, oars or sail.

Mr. GREEN: And towed by a steamship at the same time.

Mr. LANGLOIS (*Gaspé*): Towed by a ship that is not moved by sails or oars. You do not have both there. You do not have both the sails and the steamship.

Mr. GREEN: It seems a little antiquated to me, but perhaps it is all right.

Mr. LANGLOIS (*Gaspé*): Mr. Green, I am told that this language is still necessary.

Mr. LAVIGNE: Mr. Chairman, I think you still see the other. Around home we have to have barges in order to place them in position, where a steamship cannot go because it is very shallow; they have to use that means of getting it there. I have not seen sails, but I have seen them pushing them around with oars.

Clause 18 agreed to.

On Clause 19—Boilers on dredges, etc., subject to inspection.

Mr. LANGLOIS (*Gaspé*): Clause 19. This amendment provides for the inspection of compressed air tanks and for the carriage of fire extinguishing equipment—as well as life saving equipment as at present required—and for the inspection of hulls and equipment of such vessels making voyages more than 15 miles from land.

The reason for the above change with respect to the inspection of hulls and equipment is that it is the opinion of the board of steamship inspection that the hulls and equipment of such vessels making voyages more than 15 miles from land should be inspected, it being noted that towed dredges founder from time to time, and that during the past five years, of the number of towed dredges lost, two involved a loss of nine lives.

The reason for the above change with respect to the compressed air tanks is that many such vessels are not fitted with diesel machinery having high pressure air tanks which, in the opinion of the board of steamship inspection, should be inspected at regular intervals.

The reason for the above change with respect to the carriage of fire extinguishing equipment is that the machinery in such vessels is now of such proportions that, in the opinion of the board of steamship inspection, fire extinguishing equipment should be carried.

The proposed amendment has been discussed with dredging companies and no objection has been raised. It is the intention to draw up special regulations governing the inspection of the hulls of these vessels and the regulations will be drafted in consultation with the industries concerned.

Mr. BYRNE: Mr. Chairman, why limit it to 15 miles? For most people 15 miles would be a long swim. I would drown if the ship foundered right in the harbour 100 feet from land. Should not they be inspecting any boat that takes—

Mr. LANGLOIS (*Gaspé*): I am told that this 15 miles is the home trade dividing line. It has to be established somewhere and it has been established at 15 miles.

Mr. BYRNE: It is pretty dangerous to be right in the harbour when the hull might collapse as a result of an air tank bursting, whether it is five or fifteen miles.

Clause 19 agreed to.

On Clause 20—Repeal.

Mr. LANGLOIS (*Gaspé*): There is no explanation needed there.

Clause 20 agreed to.

On Clause 21—Steamships not over five tons, pleasure yachts.

Mr. NESBITT: Mr. Chairman, just one question there on clause 21. This clause, I expect, might be altered by the addition of a comma. I am not quite sure I realize what clause 21 does because the former section had a reference to barges being towed, and that is now looked after elsewhere. But, the way clause 21 reads, it says:

Steamships not in excess of five tons gross tonnage, and pleasure yachts propelled by mechanical power but not fitted with boilers for propelling purposes, . . .

Now, does that mean: "steamships not in excess of five tons gross tonnage, and pleasure yachts propelled by mechanical power but not fitted with boilers"? Are those two distinct classes? There is no comma after "pleasure yachts".

Mr. LANGLOIS (*Gaspé*): I think that comma there should be removed. This comma could come out.

Mr. NESBITT: But what I was saying, should there not be a comma after the words "pleasure yachts"? Otherwise it could easily read: "Steamships not in excess of five tons gross tonnage", and then the part later on. I presume it intends to cover them when not fitted with boilers. This way it appears to—

Mr. LANGLOIS (*Gaspé*): The boilers apply only to pleasure yachts.

Mr. NESBITT: The boilers apply to pleasure yachts and not to steamships in excess of five tons?

Mr. LANGLOIS (*Gaspé*): Yes.

Clause 21 agreed to.

On Clause 22—Exemption.

Mr. LANGLOIS (*Gaspé*): The proposed amendments provide for annual inspection of fire extinguishing equipment, as well as of boilers and life saving equipment, as in the opinion of the board of steamship inspection it is advisable to inspect the fire extinguishing equipment. That is the reason for this clause.

Mr. NESBITT: In this particular clause—and you have to read it quite a few times sometimes to make sure exactly what it says—but about the middle of the clause it says:

. . . and such steamships, if propelled by steam, are in addition to such inspection every fourth year subject to inspection of their boilers and life saving equipment and fire extinguishing equipment annually . . .

Now, "if propelled by steam . . .", that means exactly what it says, or does that "propelled by steam" refer to something else in the interpretation section?

Mr. LANGLOIS (*Gaspé*): No.

Mr. NESBITT: It means "propelled by steam".

. . . are in addition to such inspection every fourth year subject to inspection of their boilers and life saving equipment annually . . .

which is very fine. But, what about the ones that are not propelled by steam? Would their life saving equipment and fire extinguishing equipment be inspected annually?

Mr. BALDWIN: Every four years.

Mr. NESBITT: Every four years. If a ship is actually propelled by steam, in the literal sense of the word, their life saving equipment and fire fighting equipment is inspected annually; but if they are propelled by diesel, or something of that nature, this equipment is only inspected every four years. What is the purpose of that?

Mr. CUMYN: The inspector, sir, has to go on board to inspect the boiler annually. That is the main requisite, and the opportunity is taken for him to inspect the life saving and fire extinguishing equipment while he makes that inspection.

Mr. NESBITT: Mr. Chairman, do you not think that the life saving equipment and the fire fighting equipment should be inspected annually, in any event?

Mr. CUMYN: No, sir. In the opinion of the board, vessels under 150 tons can safely be granted a four year certificate, except when they are propelled by boilers. An inspector has to go on board to check the boiler annually and in the opinion of the board he might just as well take a look at the life saving equipment and the fire extinguishing equipment while he is there.

Mr. NESBITT: Mr. Chairman, I can go along with Mr. Cumyn in respect to the life saving equipment. I do not think that deteriorates to any extent but, in respect to the fire fighting equipment, it would seem to me that an inspection should be made much more frequently than every four years. Because, that foaming type of extinguisher sometimes sits around, and they are not filled very often, or refilled after they are used. I have had some practical experience in this matter, and I know that they are very often left unfilled. In respect to these other types of extinguishers—for example, the pyrene extinguisher,—their handles jam on them. They sit around, and they are usually in a brass case, and they often become, as a result of some type of oxidization, very difficult to open. Would it not be possible to have a more frequent inspection of fire equipment than that? Also, on ships which have gasoline engines I think there is a tendency for gasoline to collect sometimes in the bilges, and that would certainly come under the fire regulations.

Mr. LANGLOIS (*Gaspé*): This applies to non passenger vessels only.

Mr. NESBITT: I quite agree, but there are still crew and other people to whom unpleasant accidents could happen and I feel it is certainly possible, anyway, that fire inspections could be carried out every year. Could not the R.C.M.P. do a simple job such as the inspection as firefighting equipment?

Mr. LANGLOIS (*Gaspé*): I am told we have interim or spot checks made by our own inspectors now.

Mr. NESBITT: Could you give us any idea how many ships would be checked each year?

Mr. LANGLOIS (*Gaspé*): I am told that it is a staff problem more than anything else—but these spot checks are being made now.

Mr. JOHNSTON (*Bow River*): Where is the inspection made in regard to a passenger vessel? Is it made at the dock?

Mr. CUMYN: The owner applies for an inspection when his inspection certificate expires and the inspector visits the ship at the dock wherever she might be laid.

Mr. JOHNSTON (*Bow River*): Yes, but does the owner or master of the ship have to apply for inspection?

Mr. CUMYN: Yes, under the act he cannot clear the vessel without a certificate and he must apply for an inspection on the basis of which a certificate is issued.

Mr. JOHNSTON (*Bow River*): Is that done for every trip?

Mr. CUMYN: No, only when the certificate of inspection expires.

Mr. JOHNSTON (*Bow River*): That applies to passenger vessels?

Mr. CUMYN: Inspection certificates are issued only for passenger vessels annually; for cargo boats over 150 gross tons they are issued annually, and quadrennially for any passenger ships under 150 tons.

Mr. JOHNSTON (*Bow River*): Is it the responsibility of the master to see that the lifeboat is in proper order?

Mr. CUMYN: The ship does not receive a certificate until the life saving equipment complies with regulations.

Mr. JOHNSTON (*Bow River*): It could go out of order within the year.

Mr. CUMYN: There is some onus on the owner and the master to maintain it in the condition it was in when the certificate was issued. In addition we have inspectors who carry on spot checks throughout the season.

Mr. NESBITT: Has Mr. Cumyn any idea how many ships are checked during the year?

Mr. CUMYN: By equipment inspectors?

Mr. NESBITT: Yes. Can you give us a rough estimate?

Mr. CUMYN: It would be some 3,000 or 4,000 at least.

Mr. NESBITT: At least?

Mr. CUMYN: Yes. That number is checked by our own men and by the R.C.M.P.

Mr. NESBITT: The R.C.M.P. have been checking pleasure boats on the Great Lakes and that is an excellent thing; I am glad to hear of it—Would it not be a fairly simple matter for them to make an annual check of these things, too, particularly with regard to fire-fighting equipment?

Mr. CUMYN: This section requiring the inspection of ships under 150 tons every four years only has been in force for 10 or 15 years and in the experience of the board any move to inspect these vessels more often would be unwarranted even with regard to firefighting equipment.

Mr. NESBITT: Have you a record of the number of accidents per year? I am looking for information. How many fires have occurred in ships of this type?

Mr. CUMYN: I can get those figures for you.

Mr. LANGLOIS (*Gaspé*): Are you referring to accidents due to faulty equipment only?

Mr. NESBITT: Let us say with regard to any fires that have occurred on these ships—those which have been extinguished successfully and those which have not.

Mr. LANGLOIS (*Gaspé*): We have this information and are willing to provide it. I am told the number of fatal accidents is practically negligible on cargo boats.

Mr. CARTER: I do not think anybody would object to the yearly inspection of life saving equipment and firefighting equipment on any ship, but to require ships of over 150 tons to take an annual inspection is seriously handicapping the east coast shipping. In the first place it tends to force shipowners to restrict their ships to that change, and a 150 ton ship is no longer economical to operate. You can operate a 200 ton or a 250 ton ship with one more of a crew—probably not more than two more of a crew, but usually with one more of a crew, and with that number you will increase your cost of operation probably not more than 10 per cent, or perhaps less than 10 per cent in operation. However, if you have to put a ship of 155 tons into dock for annual inspection, it means that it must go to a dry dock, where the engine

has to be stripped down and the pistons examined, and I might add that it creates an unnecessary expense in connection with ships of that size. We are trying to get to the spot where we can build up a shipping fleet, and goodness knows that we in the maritimes are suffering because we do not have sufficient competition from our export trade.

What this act does is to drive shipowners out of business because it imposes upon them what I call unnecessary expenditures. There is no more need to strip down the engine in a boat of 250 tons every year than there is in a boat of 150 tons; it is exactly the same type of engine except that there might be a few inches difference. I would like to see some consideration given to our problem. We have agreed that the 150 ton ship is going out altogether, so it is a question of whether we are going to have any shipping fleet at all, or none, unless something is done about that requirement.

Mr. CUMYN: Yes.

Mr. JOHNSTON (*Bow River*): Mr. Carter has referred to the general inspection when he talks about stripping the ship down.

Mr. CARTER: That is right.

Mr. JOHNSTON (*Bow River*): But that would not be so with the inspection of life-saving equipment.

Mr. CARTER: I agree, but this act requires any ship over 150 tons to have an annual inspection and it involves all these expenditures.

Mr. CUMYN: No sir. I am sorry to have to contradict you; but under the regulations the machinery of any ship may be inspected over a four-year period.

Mr. CARTER: Of what size?

Mr. CUMYN: Of any size, sir, and I mean any non-passenger ship.

Mr. CARTER: Any coast-wise ship?

Mr. CUMYN: Yes.

Mr. CARTER: And that applies to ships not over 150 tons?

Mr. CUMYN: That is the annual inspection; but the annual inspection under the regulations does not mean that the whole of the machinery is torn down every year. It means that during the course of four years the whole of the machinery is torn down, but every year the inspector comes on board and takes a look at the machinery, and insofar as he feels it is necessary, he may ask the owner to operate it.

Mr. CARTER: How big a ship does that apply to?

Mr. CUMYN: To a non-passenger ship of any size.

Mr. CARTER: That is a new one to me, because my understanding was that only ships of under 150 tons were exempt, and were exempted to a four-year inspection; but now you say any ship of over 150 tons. I know that in my riding ships that have been in port have had to go out and take an annual inspection because they were over 150 tons; and in order to avoid it some of our men have sawed the sterns off their ships to bring them down under 150 tons.

Mr. CUMYN: We will send you a copy of the regulations.

Mr. CARTER: Well, the regulations are probably not properly interpreted or enforced. Any type and any size—I do not see the point to that; why mention 150 tons if it does not apply to ships of 150 tons?

Mr. CUMYN: It does not mean that the whole of the machinery will necessarily be torn down during the course of the inspection.

Mr. CARTER: It does mean, however, that the ship must go on the dock?

Mr. CUMYN: Yes.

Mr. LANGLOIS (*Gaspé*): In order to draw the tail shaft, you have to put the ship in a dry dock.

Mr. CARTER: That would be no more necessary with respect to a ship of 150 tons than with respect to one of 250 tons. When a ship is examined a piston can be pulled, just one piston; and if you have a four-cylinder engine, you may pull one piston this year, and another piston the next year, and you can finally examine the whole engine with the ship lying at a wharf, and you can have that done when you inspect it annually. Of course I realize that the ship must go into a dry dock when the shaft is pulled.

Mr. CUMYN: No sir. With a ship of 150 tons the shaft is pulled every three years.

Mr. CARTER: Over 150 tons?

Mr. CUMYN: Yes, and that is in accordance with the classifications and practice. Most shipowners will try to have their ships put into a dry dock every 18 months anyway. We have a leeway there because we do not expect all the ships to go right on to the dock at the moment they finish their twelve months. It is put in for a leeway. In Newfoundland, for example, we allow the ships to be pulled up on the "hard", that is, on the surface, on the beach. We have arranged under the regulations to inspect those boats on the "hard".

Mr. CARTER: You cannot do that with ships of from 250 tons to 300 tons, and it seems to me that with ships of 150 tons going out—it is not an economical type of ship anyway, to operate today; it is not economical today to operate any ship under 150 tons, so it seems to me—I cannot see the necessity for making a distinction between ships of 150 and 200 tons. That is my problem.

Mr. CUMYN: The limit was originally drawn by the International Load Line Convention. A load line certificate must be carried by a ship of over 150 tons gross. Such a change requires some form of inspection annually in order to renew the load line section. That was an international load line provision. We applied the International Load Line Convention to the shipment at that time. If it is your experience that your ships are being drydocked unnecessarily, then we would be quite happy to look into it. As you know, these regulations governing these inspections were made up in consultation with the shipping industry all across Canada. The regulations were sent out to them in three or four drafts; everytime a draft came back we included amendments as we saw fit.

Mr. BYRNE: Regarding the question of fire extinguishers, do your regulations not require that one of the ship's crew inspect the fire extinguishers one a month or once every two or three months, as in industry? In industry they never go beyond one month.

Mr. LANGLOIS (*Gaspé*): It is incumbent on the master to have his equipment checked at intervals.

Mr. BYRNE: Would there be special inspection by the government inspectors?

Mr. LANGLOIS (*Gaspé*): If he is a good captain, he should enter that in his logbook also for his own protection.

Mr. GREEN: There was some discussion this morning about life-saving equipment. That comes under this clause. Could we have an official answer to the question which Mr. Lavigne asked this morning?

Mr. LAVIGNE: The question which I brought up really comes under clause 27. It had to do with small craft. In order to obtain your licence you must have that equipment on your boat. That is why it comes under 27. I happen to know that they require life-saving equipment in order to get a licence.

Mr. NESBITT: In regard to this annual inspection of life-saving and fire-extinguishing equipment, Mr. Byrne made some comments and I would agree with him and your suggestions, Mr. Langlois, regarding a large merchant ship. The companies are very strict in them, I know. But on small ships the responsibility is much less and very often you find people who are, shall we say, less meticulous in their inspections. It would not take too much time to provide an annual inspection of fire equipment and life-saving equipment by the R.C.M.P. I know that two or three weeks ago they spot checked on Lake Erie 3,000 or 4,000 boats and went through most of them in two or three days. That is a very large concentration. I think it could be done without causing any inconvenience to the owners of the ships and without too much work on the part of the R.C.M.P. Personally, I have had some little experience with this myself. On one occasion, some years ago, I was in charge of the fire-fighting equipment on a ship. It was a good ship and had good captains before that. On checking the equipment, it was found that there was an inadequate amount and a good 50 per cent of it was not usable. It was very fortunate that it had been checked because we had a fire a few days later when we were at sea. We were pretty glad that we had checked up on it. Even the best of captains and the best of chief officers would often tend to let these things go and make just a cursory check, particularly on these very small ships. I think that it would cost nothing and would give adequate protection to the crews on these small ships if this were carried out annually.

Mr. LANGLOIS (*Gaspé*): Again here you are dealing with a staff problem. As the chairman of the board stated a while ago, our inspectors can board ships at any time without previous notice and check the equipment. Also, you have to bear in mind that the captain must be responsible for the maintenance of every piece of equipment in his ship. Suppose anything happens—not necessarily a fatal casualty—and there is an inquiry into the accident, if it were shown that the master has not exercised due precautions in having the equipment check periodically, this captain would be in trouble. I know that most captains are doing that in order to protect themselves.

Mr. NESBITT: What Mr. Langlois said is quite correct with particular reference to major ships. I am quite aware of that. In these smaller ships, however, you often get in charge of them an officer who is inexperienced or who has not had a special course in firefighting. It is something which really causes no trouble and which would be an added protection to the crew. So far as spot checking is concerned, I think it is a splendid idea and my suggestion would be that they make sure that all ships are spot checked.

Mr. LANGLOIS (*Gaspé*): The figure given by Mr. Cumyn a while ago was that some 3,000 ships or perhaps more were checked.

Mr. NESBITT: How many ships are there in this category?

Mr. LANGLOIS (*Gaspé*): 17,000 registered ships in Canada. Are you referring to the category below 150 tons?

Mr. NESBITT: Yes.

Mr. LANGLOIS (*Gaspé*): There would be about 12,000.

Mr. NESBITT: They check perhaps 4,000 a year. That would still leave two-thirds of them which did not have the benefit of it.

Mr. LANGLOIS (*Gaspé*): If we wanted to check them all, or a much higher percentage than now, we would have to double our staff of inspectors.

Mr. NESBITT: How about the Royal Canadian Mounted Police, then?

Mr. LANGLOIS (*Gaspé*): Really the R.C.M.P. do only the pleasure boats and small craft.

Mr. NESBITT: Could they not do these small craft as well?

Mr. LANGLOIS (*Gaspé*): Again, there, they have the staff problem, themselves. Those masters know that the Royal Canadian Mounted Police, or a seaboard inspector, could walk on board any day and check that equipment. They always dread visits from a member of the R.C.M.P. or one of our steamboat inspectors, and that keeps them on their toes, because they go aboard without previous notice.

Mr. NESBITT: I agree that it is just a matter of degree, Mr. Langlois. I do not think we are very far apart. It is really a matter of degree, that is all, in respect to whether they should make spot checks every three years or whether they should make them a little more often; that is all. I think the officials might consider that.

Mr. CARTER: I understand Mr. Cumyn to say that this 150-ton dividing line for annual inspection was reached by international agreement about 15 years ago.

Mr. LANGLOIS (*Gaspé*): At the load line convention.

Mr. CARTER: It comes from the load line agreement?

Mr. LANGLOIS (*Gaspé*): Yes.

Mr. CARTER: Then it was an international agreement?

Mr. LANGLOIS (*Gaspé*): Yes.

Mr. CARTER: About 15 years ago. Since the 150-ton ships are disappearing, will there be any more international associations to bring the thing up to date? We have just passed clause 11, in which we say now that engines up to six nominal horsepower—that is, 300 horsepower, have become so simplified that we do not need a full-fledged engineer to operate them. That is an argument for revising this whole business of the dividing line for annual steamship inspection, because it is a serious problem.

Mr. LANGLOIS (*Gaspé*): Maybe some day this international convention respecting load line certificates may be revised, but there is no intention to do that at present. It will be done sometime in the future.

Mr. CARTER: I would not think that there would be any ships of 150 tons in existence in a few years. I do not know that there are now, except on the east coast, and they are disappearing pretty fast.

The CHAIRMAN: Shall clause 22 carry?

Mr. GREEN: Could we have an explanation of subsection (2) in particular? I would like some further information as to what extent these smaller vessels are inspected.

Mr. LANGLOIS (*Gaspé*): What is it exactly you want there, Mr. Green?

Mr. GREEN: What inspection is there with regard to vessels under 15 tons?

Mr. CUMYN: Steamship under 15 tons net, that is to say non-passenger ships, have been exempt from inspection under the act for some years unless they are propelled by steam supplied from boilers, in which case the boilers are inspected annually. The life saving equipment has been inspected annually; and in the opinion of the board the fire extinguishing equipment should be inspected at the same time, because we have found that when oil rather than coal is being burned to heat boilers, it presents a greater hazard.

Mr. GREEN: What inspections are pleasure craft subject to?

Mr. CUMYN: Pleasure craft not carrying passengers? They are not given any inspection, other than that provided by the R.C.M.P.

Mr. CAVERS: A spot check.

Mr. CUMYN: Boats that carry passengers for hire, if they are over 5 tons require a certificate of inspection from the steamship inspection branch. If they are under 5 tons they are checked by the R.C.M.P.

Mr. GREEN: Other types up to 15 tons are not inspected at all?

Mr. CUMYN: Non-passenger vessels are also checked by the R.C.M.P.

Mr. BARNETT: Did I understand Mr. Cumyn to say that vessels under 5 tons carrying passengers are not subject to any form of inspection.

Mr. CUMYN: Except that given by the R.C.M.P.

Mr. GREEN: Under what provision of the act do the R.C.M.P. get the authority with respect to these checks?

Mr. CUMYN: Under a letter from our minister.

Mr. LANGLOIS (*Gaspé*): Through a request from the Minister of Transport to act on his behalf for the carrying out of the requirements of the Canada Shipping Act.

Mr. GREEN: What provision of the Canada Shipping Act provides for inspections?

Mr. LANGLOIS (*Gaspé*): It is somewhere in the inspection provisions. I am told that sections 479, 480, 481 and 482 cover this.

Mr. CUMYN: It is also covered by section 486.

Mr. LANGLOIS (*Gaspé*): Section 486(1) states:

(1) A collector or other chief officer of customs, or other person directed thereto by the minister, may take action, by detention of a ship, or by other reasonable and appropriate means at his disposal, to prevent any violation of any of the provisions of this part.

The following subsection, subsection (2), states:

(2) For the purposes of this section, such collector, other chief officer or other person, in the discharge of his duty, may go on board any ship, make any examination which he deems fit, and may ask any pertinent question of, and demand all reasonable assistance from, the owner or master or any person in charge thereof, or appearing to be in charge.

You will notice that it speaks of "a person directed by the minister" and that is the authority to employ members of the R.C.M.P.

Mr. GREEN: That is a pretty slim authority. It does not provide for inspection at all; it is authority to board a ship.

Mr. NESBITT: In a future section, when we come to it—it will be one of the clauses to be discussed, probably, at some length—clause 27—

The CHAIRMAN: Shall clause 22 carry, first?

Mr. NESBITT: No. I was about to say I realize that under clause 27 regulations concerning boats under 5 tons can be discussed. Maybe when we reach that clause we could consider the extension of these inspection provisions to ships, of less than 5 tons weight carrying passengers.

Mr. LANGLOIS (*Gaspé*): Section 481 of the act gave the governor in council the power to make regulations, under the provisions of section 410, except life saving equipment, fire extinguishing equipment and precaution against fire. That is for ships not in excess of 5 tons gross tonnage, and pleasure yachts.

Mr. NESBITT: But that is still—

Mr. LANGLOIS (*Gaspé*): Could you be more specific?

Mr. NESBITT: I am just checking this.

Mr. LANGLOIS (*Gaspé*): We have just amended section 481, as you realize.

Mr. NESBITT: Yes, I do. I was just looking at it. Just one question: what is the section which concerns the annual inspection of firefighting equipment and life saving equipment on passenger ships under 15 tons?

Mr. LANGLOIS (*Gaspé*): You mean 5 tons?

Mr. NESBITT: No, 15 tons.

Mr. CUMYN: Well, the provision for the inspection of ships by steamship inspectors is taken care of in section 386; and then section 401 provides for the making of regulations requiring life saving equipment, fire extinguishing equipment, and so on.

Mr. NESBITT: That is for passenger equipment?

Mr. CUMYN: No sir. And then in the back part of it, there is a part entitled "Exemption", and that exempts certain ships from inspection, specifically passenger boats under 5 tons gross, and non-passenger boats under 15 tons gross, but everything above that must be inspected.

Mr. NESBITT: And how about the ones under 15 tons?

Mr. CUMYN: Section 410 provides for the carriage of equipment, but there is no provision for the inspection by steamship inspector; they are exempted from that inspection.

Mr. NESBITT: Nobody actually inspects those small passenger carrying boats?

Mr. CUMYN: If you use the term "inspection" to cover the work of inspection by a steamship inspector, no; but they are checked for equipment—that is, manually—by the R.C.M.P. under directions issued by the minister.

Mr. NESBITT: Is that another spot-checking business, or it is done annually?

Mr. CUMYN: No, they are spot-checked, and if the R.C.M.P. find a vessel which is unseaworthy then under their terms of reference they refer the case to the chairman of the steamship inspection board.

Mr. NESBITT: We are not dealing with ships which only have crews, but with the ones which carry passengers.

Mr. BYRNE: You mean revenue passenger ships?

Mr. LANGLOIS (*Gaspé*): Under 5 tons.

Mr. NESBITT: There are a great many on the lakes and there are many such ships on the coast which carry passengers from one place to another, so it would seem to me that that was just the kind of ship which would most require checking because it is small, and it is often operated by a gasoline engine which is old and one thing or another. So could not some arrangement be made to check those ships more regularly?

Mr. CUMYN: We feel that a very substantial check is being made by the R.C.M.P. within the limits of their staff.

Mr. GREEN: What about the water taxi, for example?

Mr. CUMYN: If it carries passengers, and if it is over 5 tons, it is inspected annually by the steamship inspector; but if it is under 5 tons, it is checked by the R.C.M.P. The complaint in the latter case is most often that they just do not have all the equipment. However, we think that the R.C.M.P. under the circumstances is doing a very good job in that respect.

Mr. GREEN: The only authority they have is given under this section 481 which says that a customs inspector may come aboard.

Mr. CUMYN: Or any other person designated by the minister; and in our reference to the R.C.M.P. we set out fully what they should do.

Mr. LANGLOIS (*Gaspé*): Yes, and if the R.C.M.P. finds a boat which is not adequately equipped, they refer the case to the chairman of the board and he may take action.

Mr. GREEN: What could he do if the ship were under 5 tons? What power does the steamship inspector have in that event?

Mr. LANGLOIS (*Gaspé*): He sets equipment that the ship has to carry and if it does not comply, then he will prosecute.

Mr. CUMYN: There is also a section of the act which provides that the steamship inspector may go on board any ship, and he may put in a sheriff and detain that ship until the condition is rectified.

Mr. LANGLOIS (*Gaspé*): Any ship!

Mr. HERRIDGE: I have a particular case to draw to the attention of the chairman. I live beside a lake, and I saw a large boat there quite often. That boat is not operating now, but it was operated by a transportation company and it had a 35 to 40 mile run. It was about thirty-five or forty feet in length and would carry twenty-five passengers, which is as many as might be carried by a much larger ship. The company had a taxi driver sent down to run the boat. How would the R.C.M.P. know if that man was competent to handle things in rough weather? I think that a company carrying passengers should be required to have a qualified man in charge of even a small ship like that with twenty-five people packed in a small room with an oil heater to keep them warm and a gasoline engine running the boat. I know on one occasion it was drifting around on the lake with a man in charge who did not know any more about it than an old lady down in the back cabin. There were no lifeboats on this boat. In my opinion, there should be some protection for people travelling in this type of a cabin; that is most dangerous. They just sit in the cabin; there are no lifeboats and only a certain number of life-jackets and things of that sort. What is done to make sure that the public is protected?

Mr. LANGLOIS (*Gaspé*): That is a pretty strong argument, is it not, in favour of the new clause 27.

Mr. LAVIGNE: I believe that that will be covered by clause 27(b).

Mr. LANGLOIS (*Gaspé*): Yes.

Mr. LAVIGNE: I want to make a statement about the spot checking by the R.C.M.P. I believe that it is very efficient because I know of several people who were checked who resented being stopped, but a few days after when they had complied with the recommendations of the R.C.M.P. the news spread around very rapidly to all the people in the area that the equipment is checked and, therefore, it covers a lot of boats and puts them all in order.

Mr. NESBITT: It is true that spot checks are made, but has the department any method of recording on what ships these spot checks are made? In other words, one ship might be spot checked three or four years in a row and the next ship might not be spot checked at all; if they learned that the R.C.M.P. were around that day and if things were not in order, they might happen to be out rather than in port.

Mr. LANGLOIS (*Gaspé*): The R.C.M.P. have been doing this work for a number of years and they are very well acquainted with the situation. We have evidence that they have been carrying out their work in a most efficient fashion. I am pretty sure that they would rotate their spot checks in order to cover as many boats as they can within a certain period.

Mr. NESBITT: No one questions the competence of the R.C.M.P., generally speaking. We all have the highest regard for that body, I am sure; but has your department any evidence that they do in fact do that, or do you assume it?

Mr. LANGLOIS (*Gaspé*): Indeed we have this evidence.

Mr. NESBITT: Then they send in a report with the licence numbers and so on, and also the names of the persons whom they spot check?

Mr. LANGLOIS (*Gaspé*): I am told that they report any ship which is found to be deficient of equipment, and that they rotate their inspection checks so that they would cover as many ships as possible.

Mr. NESBITT: Does the department receive a record of the number of ships and the licence numbers of the ships spot checked each year?

Mr. LANGLOIS (*Gaspé*): No, not all the ships, but those found to be lacking in equipment.

Mr. NESBITT: Only the ones found to be lacking in equipment. Then the department itself has no method of knowing whether or not the other ones are checked. You rely on what you were told by the R.C.M.P.?

Mr. LANGLOIS (*Gaspé*): Sure we do, and I think we are justified on relying on them, because we know they are a pretty efficient force.

Mr. NESBITT: That may be, Mr. Chairman, but there is in fact no actual record, apart from the ships that are deficient in equipment?

Mr. LANGLOIS (*Gaspé*): Yes.

Mr. BARNETT: Some of the subject matter we are discussing now is closely related to the discussion we may later have under clause 27 but, I would just like to ask one question at this point. Assuming that under paragraph 27 the provisions for the licensing of operators of vessels will be such that it will cover the operation of the small passenger vessels, does the present act and the regulations that are in force under it, ensure that if we have a provision for the licensing of these small passenger carrying vessels, that provision can be made that those vessels carrying passengers under licence will be inspected every year? In other words, they are now apparently subject to spot-checking by the R.C.M.P. but, if provision is made under the provisions of clause 27 for a formal licensing, are the present regulations in respect to safety equipment and so on, such that we can be assured that they will receive more frequent inspection?

Mr. LANGLOIS (*Gaspé*): You see, Mr. Barnett, under section 481 of the act, these ships are exempted from the annual inspection and, unless this section is changed, we cannot make them come under our regulations for inspection.

Mr. BARNETT: Section 481 provides that—

Mr. LANGLOIS (*Gaspé*): Let me say this: we could have a system for spot-checking, which would be more frequent, but we cannot, under the present legislation, force them to accept an annual inspection, because they are exempted under section 481.

Mr. BARNETT: Perhaps I had better make my position clear in respect to what I feel should be done respecting the licensing of operators of what are commonly known as water taxis. Now, I have, on quite a number of occasions, had this problem brought to my attention in my area, and I think some of the other members have indicated that it arises in their areas, and that is: under the present setup, as I understand it, there is no provision whereby we can be assured that these water taxis, which carry in some cases large numbers of passengers in a very small space, are being operated by competent personnel, and apart from the general inspection which is made by the R.C.M.P., and perhaps it is reasonably adequate, that they are carrying and keeping in good condition the life saving equipment and the fire extinguishing equipment that they should be carrying. Now, it seems to me that if we are going into this business of licensing the operators of boats, that we should give consideration to some special form of licensing for those who are going to operate boats carrying passengers, just as we have special licences for people who are going to operate buses, or other public transport vehicles on the roads. I do not know whether that is in mind in respect to the licensing of those operators or not; but if we are going to go that extent, I think at the same time we should ensure that those boats are going to be adequately inspected at fairly frequent intervals.

Mr. LANGLOIS (*Gaspé*): We have that in mind under the proposed clause 27.

Mr. LAVIGNE: Mr. Chairman, could we be supplied with the application forms for the licensing of boats at the next meeting of this committee, because I think there are certain regulations—

Mr. LANGLOIS (*Gaspé*): I have submitted four or five copies of them.

Mr. HAHN: That is the application, but is there specific provisions provided on the licence itself that do not appear on that application form? If so, could we have a copy of the licensing forms?

Mr. NIXON: Mr. Chairman, it is near six o'clock? Would it be in order to adjourn?

The CHAIRMAN: Would you care to carry clause 22?

Some Hon. MEMBERS: Carried.

The CHAIRMAN: —before you go? Clause 22 agreed to.

We will adjourn until 8 o'clock tonight.

Mr. GREEN: Is there any reason why we should have to sit three times a day on this bill? The bill cannot be considered in the house until next week, because we shall have the estimates before us on Wednesday, Thursday and Friday. We have already had two sittings today and it does seem to me that it will be much wiser to wait until tomorrow morning and sit then and finish it up. Why should it be necessary to rush this through today? It would mean that we could not give this as careful a consideration as we should, and members of the committee have other obligations as well.

Mr. HERRIDGE: I think that is a good point.

The CHAIRMAN: What is the wish of the committee? Shall we sit tonight or tomorrow morning?

Mr. HERRIDGE: I move we sit tomorrow at 11.30 a.m.

The CHAIRMAN: Then the committee is adjourned until 11.30 tomorrow morning.

TUESDAY, JULY 17, 1956.

The CHAIRMAN: Gentlemen we have a quorum.

On clause 23—Penalty.

Mr. J. G. L. LANGLOIS (*Parliamentary Assistant, to Minister of Transport*): If the committee wishes me to give an explanation I will be glad to do so. Here, we are amending the clause to eliminate the minimum fine of \$50. The reason for the change is to provide for sufficient latitude in the matter of fines having in mind small boats of the type the R.C.M.P. check for equipment, etc.

Agreed to.

On clause 24—Certain products not considered cargo.

Mr. LANGLOIS (*Gaspé*): This amendment is considered necessary because since the entry of Newfoundland into the Canadian federation we now have a sealing industry which we did not have before.

The CHAIRMAN: Are there any questions on clause 24?

Agreed to.

Clause 25—Regulations.

Mr. LANGLOIS (*Gaspé*): This clause has to do with this international convention for the prevention of the pollution of waters. I have given a lengthy statement about this convention in the house and I do not think there is much that I could add to it at this stage. However, I am ready to answer any questions that the committee might wish to ask.

Mr. GREEN: Mr. Chairman, this is a very important clause—

Mr. BATTEN: Mr. Chairman, could I interrupt for a moment? Are we going on with part VIIA here?

The CHAIRMAN: We are on clause 25.

Mr. BATTEN: Before we continue to discuss part VIIA I would like the opportunity of speaking about small boats—

Mr. LANGLOIS (*Gaspé*): That will come later. Are you referring to the licensing of small boat operators?

Mr. BATTEN: I would like to have the opportunity of referring to them before we go on to the next section.

Mr. LANGLOIS (*Gaspé*): You can do that under clause 27.

Mr. BATTEN: Thank you, Mr. Green.

Mr. GREEN: This clause apparently has two effects, and one is to bring about the approval of this international convention for the prevention of pollution of the sea by oil and, in addition to that, it gives power to deal with oil pollution in waters which are not covered by the international convention.

Mr. LANGLOIS (*Gaspé*): Yes.

Mr. GREEN: Why are those two matters lumped together rather than dealt with separately? I ask that question for this reason: in many cases these international conventions are approved as such by the house rather than written into one of the ordinary statutes as a schedule, which is all that is being done in this particular case. The local situation is at the moment probably a good deal more important than pollution on the high seas covered by the convention but it seems to me that the former question has just been dragged into this particular clause and made subclause (b) of the section 495A which reads:

—for regulating and preventing the pollution by oil from ships of any inland minor or other waters of Canada.

That has absolutely nothing to do with the international convention. Would it not be wiser to separate the two in the Shipping Act? If you wish, you could approve the international convention by one section, but then you should have a separate section dealing with the situation here at home which is not covered at all under the international convention.

Mr. LANGLOIS (*Gaspé*): Mr. Chairman, I wish first of all to draw the attention of the committee to the fact that the new section 495A does approve the convention. You have here the wording:

The international convention for the prevention of pollution at sea by oil (1954)—

set out in the 14th schedule is approved. This is the “approving” clause, and then it gives to the governor in council power to make regulations under the convention.

Mr. GREEN: Under clause (a)?

Mr. LANGLOIS (*Gaspé*): Under the new section 495(a). And, in addition to that, it gives the governor in council power for regulating and preventing pollution in waters not covered by the convention. That is subsection (b) of the new section 495. It gives the governor in council power:

For regulating and preventing the pollution by oil from ships of any inland minor or other waters of Canada.

The reason we are doing it this way is that we want to apply the same policy as is set out in the convention to these waters which are not covered

by the convention. That is the reason. The convention does not extend to these waters but it is the policy of the government to extend it to these waters. We want it to follow exactly the same policy and that is why we are asking for this power to be vested in the governor in council to make regulations to cover these territorial waters which are not included under the convention.

Mr. GREEN: No, but in subclause (a) you will be making regulations to carry out the terms of the convention—

Mr. LANGLOIS (*Gaspé*): Yes.

Mr. GREEN: And in subclause (b) you will have to make an entirely different set of regulations to deal, for example, with pollution of the Great Lakes or all the territorial waters around the coast, and it does not refer at all to the convention or to the terms of the convention; different questions will arise. Take the case, for example, of pollution in Vancouver harbour. Would that be covered by the National Harbour Board Regulations or would it come under the Canada Shipping Act, or would it come under the Criminal Code? It seems to me that pollution in local waters raises an entirely different set of problems from pollution of the high seas. As I read the convention in so far as Canada is concerned the main effect is that if a ship dumps oil within 50 miles of our coast it can be penalized, when it comes into harbour, under the terms of the convention. Now, surely, the regulations which you need in order to enforce a provision of that kind are a good deal different from the regulations necessary for preventing the pollution of the Great Lakes, the St. Lawrence river, or the inshore waters around Newfoundland or off the shores of the west coast. As far as I can see the only way in which you cover the pollution of our own waters is that the governor in council is being given powers to regulate and prevent pollution by oil from ships in inland minor or other waters of Canada. There is no reference to the convention, and the regulations will have no reference to the convention. It may be you will take some of the provisions out of the convention but you will have to have a completely different set of regulations; I do not see how you could tie the two things together in the way you are attempting to do. Anybody reading that statute for the first time would think that subclause (b) refers only to the international convention—I thought so myself on first reading it over—actually there is a little foreign clause put into that section where I do not think it should be. I think you should deal with the situation in Canadian waters by means of a separate provision so that anybody reading the act would know exactly what he has to comply with so far as Canadian waters are concerned.

Mr. JOHNSTON (*Bow River*): I, like Mr. Green, am a little concerned about this matter. Would the powers contemplated under this clause be wide enough to take care of the pollution of any inland rivers in Canada?

Mr. LANGLOIS (*Gaspé*): Sure.

Mr. JOHNSTON (*Bow River*): Such as the pollution caused to the Saskatchewan river below Edmonton some years ago?

Mr. LANGLOIS (*Gaspé*): Only from ships.

Mr. JOHNSTON (*Bow River*): It only applies to ships; it would not take care of the pollution of inland rivers due to oil or any other cause?

Mr. LANGLOIS (*Gaspé*): No.

Mr. CARTER: I have two questions in mind with regard to this question of oil pollution. When pollution of the sea is thought of, one generally means pollution by oil—crude oil, fuel oil or any other kind of oil—but water can be polluted not only by oil but by other material. Off the Greenland coast, as in other places, there are ships which catch whales and process the blubber and there must be a terrific amount of waste discharged into the ocean from these floating factories. Apparently that is not covered by this act. The other

thought in my mind is this: how can we enforce any regulations controlling oil pollution. If a ship wants to eject oil at night it would obviously be difficult to detect it. How far does our authority extend from the shore in this matter? How can we control these practices? It seems to me that it would be a very difficult thing to do.

Mr. CUMYN: To answer, first of all, your question relating to the pollution that might be caused by whale oil and other waste matter from these factory ships—we have found, and other countries have found, that this nuisance is caused in the main by fuel oil or ballast water contaminated with fuel oil or by crude oil washings from tankers and if we can eliminate these two sources of the pollution nuisance I think we will have dealt with the problem.

Mr. CARTER: In other words you do not think that the pollution that might arise through these floating factories or factory ships is significant compared with the other sources of pollution you have mentioned?

Mr. CUMYN: That is so. In every case where beaches or seaports have been polluted it has been found, as I say, that the source of the pollution is fuel oil or crude oil from tanker washings.

And now, with respect to controls at the pollution conference, of course, it was proposed by the British that there would be total abolition of the discharge of waste oil into the sea from ships. That, of course, is the only solution. But, certain other large ship-owning countries, headed by the Americans, were opposed to this proposal. They said it was immature, that we were not ready for it, that we did not have the fittings to put on ships to make it possible, and they had a certain amount of right in their favour. So that the conference is a compromise. We drew up a system of zones. Admittedly, it is going to be very difficult to police these seas.

With respect to the ocean off our shores, which are the shores of Canada and the United States, which has a width of 50 miles, we will simply have to call in, or seek the assistance of the navy and the air force. But, with respect to Canada, anyway, our main problem lies in the oil discharge within our own territorial waters.

Mr. CARTER: When you say that, you mean 15 miles off shore, or three miles?

Mr. CUMYN: I would rather not define the territorial waters. I would say even within our three-mile limit, and certainly all our problem lies within the 50 miles. We have made quite a few investigations of pollution of the Great Lakes and some of the rivers, and off our shores, and we find that in the majority of cases it is local pollution by ships close by our shores. We feel that we can deal with that, and when we have dealt with it we will feel that, in so far as Canada is concerned at the present time anyway, we will have the problem solved.

Mr. FOLLWELL: Mr. Chairman, why do ships deliberately dump their fuel oil, or waste oil, or their oil and water ballast into the water; why do they do that?

Mr. CUMYN: Sir, there is a certain type of cargo ship that carries dry cargo as opposed to oil, which burns fuel oil under its boilers. They carry this fuel oil in double bottom tanks. Sometimes they carry in these double bottom tanks ballast water. These double bottom tanks are never, or can never be properly dumped out. So, when they fill them with water, the water becomes contaminated with fuel oil. When a ship is making, say, Port Halifax and it runs into heavy weather, it has to retain this ballast until it gets into port. It goes to its loading dock to load. When the crew starts the loading process, it commences to discharge ballast. The ballast water is contaminated and you get fuel oil in the discharge.

The other source is oil tankers. When an oil tanker changes the type of cargo—that is to say, it discharges its cargo and is going back for a load of a different gravity of oil, it has to wash all its tanks. An oil tanker may have as many as 40 tanks. They have to be washed out. They are hosed out with hot salt water. The hot salt water contaminated with the crude oil, or whatever the tanker was carrying, is pumped overboard.

Mr. JOHNSTON (*Bow River*): How would a ship that is, say, out 50 miles in a rough sea—how would they get rid of their ballast then, until they did get into port?

Mr. CUMYN: In many cases if they are in heavy water they cannot get rid of that. They have to retain it until they come into harbour, and that is where the problem lies.

We propose, for our main ports, to provide reception facilities for these cargo ships to pump this ballast water, or this oily residue into, in the form of barges.

Mr. JOHNSTON (*Bow River*): You are making provisions, then, for a ship when it does have to come into harbour so that they can get rid of this ballast water by putting it in special containers?

Mr. CUMYN: In a barge. We have arrangements with the refineries that they will take care of that.

Mr. JOHNSTON (*Bow River*): Before you can enforce the regulations under this act, would you not have to provide such facilities in every port in Canada?

Mr. CUMYN: Under the pollution convention we are bound to provide facilities in harbours which we, of course, will name ourselves. So, we have a certain freedom in that respect.

Mr. JOHNSTON (*Bow River*): But you say your act will apply to any coastal waters.

Mr. CUMYN: With respect to our own domestic legislation, sir, it takes care of oil to be discharged into our own territorial waters. We are not bound to provide facilities, but we propose to do so in due course. Those facilities, of course, are very expensive and there will be a heavy charge on the ship owners every time they use them.

Mr. JOHNSTON (*Bow River*): In the case where there is a port where there is not this facility available, and the ship must discharge its ballast water, then, I suppose he would not be liable under the act?

Mr. CUMYN: Yes, he will be liable, because a ship owner has other means that he can take. He can so arrange the ballast in his ship so that he carries his ballast water in some of his double bottom tanks permanently. That is to say, they are reserved permanently for the carriage of ballast water. Other double bottom tanks are reserved permanently for the carriage of fuel oil. So that the two do not get mixed together. Now, that involves a little more inconvenience to the ship owner, but he may have to do that.

Mr. JOHNSTON (*Bow River*): But there is a way that he can do it?

Mr. CUMYN: There is a way that he can do it. Also, we hope that within the next few years there will be developed for dry cargo ships an efficient oily water separator, through which they can pump their ballast water. When such a separator has been developed, then we propose to write into the regulations a requirement that every ship burning oil under its boilers and carrying its oil in double bottom tanks alternatively with ballast water will require to be fitted with a separator, and use it.

Mr. FOLLWELL: Is that separator available now, sir?

Mr. CUMYN: There was quite a difference of opinion at the conference as to whether or not there is in existence an efficient oily water separator. The British took it upon themselves to prove that there was. They took us down to the port of London. We boarded a ship, and they started an oily water separator into motion. For the first 15 minutes it pumped out pure water from the side, and then it began to pump black oil. So, they only succeeded in proving that oily water separators, as presently designed, and in the hands of an inefficient engineer, can serve the opposite purpose.

So, after that experiment, or after that failure, the conference assumed that oily water separators—an efficient oily water separator has not yet been developed. So, we were forced to go to the system of zones.

Mr. HAMILTON (*York West*): Would these facilities apply to the Great Lakes as well as to seaports?

Mr. CUMYN: Yes. In our proposed regulations covering our own domestic water we start out in this way; we say: notwithstanding the provision of part II, no oil or oily mixture shall be discharged from any ship into inland, minor or other waters of Canada.

Mr. HAMILTON (*York West*): What I meant by that was: is the department taking steps in respect to the major ports on the Great Lakes to provide the same facilities that you are speaking about with respect to coastal areas?

Mr. CUMYN: Sir, we have conducted quite an investigation into the requirements for reception facilities in the Great Lakes. We did it by means of visiting hundreds of ships. We found that the great majority of ships using the Great Lakes are motor ships. Motor ships are not in the guilty class. They invariably carry their fuel oil in tanks reserved solely for that purpose. So that we decided that oil water reception facilities would not be necessary in the Great Lakes in view of the types of ships using those waters. We are not talking about oil tankers. We know that some oil tanker companies in the Great Lakes are still in the habit of dumping their oil washings into those waters. Of course, they have their own reception facilities at the refineries. That is a question of policing the locations and forcing those people to come to time by the imposition of a heavy fine when we catch them.

Mr. HAMILTON (*York West*): Will the installation, or the commencement of operations of the St. Lawrence seaway throw the great lake ports into the same category as the ocean ports in respect to the type of vessels being used?

Mr. CUMYN: It may do, sir. But, until the pattern of shipping using the seaway and the Great Lakes develops, we cannot come to any definite decision on that.

Mr. HAMILTON (*York West*): Would it not be wise to be making some type of survey now? After all, if our press reports are accurate, and I think they are, we have had trouble of this kind in the Toronto area. Now, it may be somebody commits an offence, and perhaps they have to be caught. But, at the same time, if prevalence of that type of ship is going to be much greater with the opening of the seaway, I think we should be making a survey now as to the requirements.

Mr. CUMYN: Sir, we have just completed a very complete survey. We have here a map showing the extent of pollution in the Great Lakes. If it develops that the seaway is going to bring into the Great Lakes oil burning ships, ships which burn oil under their boilers—we do not believe that that will be the case—then we will provide reception facilities right away. We cannot—

Mr. GREEN: Would it not be necessary to have some kind of an agreement with the Americans with regard to the dumping of oil in the Great Lakes? otherwise ships might dump their oil on the American side of the lake, and you could not very well stop it coming over to the Canadian shore.

Mr. CUMYN: We are in consultation with the Americans, sir—the U.S. coast guard.

Mr. GREEN: Is there any kind of agreement at the moment?

Mr. CUMYN: No, sir. We have not got to the point of making those regulations.

Mr. CAVERS: Are there any regulations now in effect that provide that ships must discharge their oil at some distance from shore?

Mr. CUMYN: No, sir.

Mr. CAVERS: There is a great temptation to ships going through the Welland canal, and upon reaching the harbour at Port Weller they dump their oil there. It is a great inconvenience to people along the shore. Now, it seems to me there should be some regulation that ships must proceed some distance out into the lakes, either Lake Ontario, or Lake Erie, before they discharge in any event.

Mr. CUMYN: Sir, under the proposed regulation we are going to prohibit it altogether. They are not going to be able to dump any kind of oil at all.

Mr. CAVERS: That is so much the better, but the regulations have not been adopted as yet.

Mr. CUMYN: Sir, they will be put into force when this legislation is put into effect.

Mr. HERRIDGE: Mr. Chairman, I just wanted to say that I am very interested in conservation, and I am very pleased to see that the department are far-sighted enough to include minor waters in view of the increase in the number of diesel-driven craft. While they do not dump water out like the tankers, they do dump bilge into the lake. In some cases we have barges hauling oil for mining companies, and if they get into a heavy storm or for some reason or other that water gets into the oil, and on occasion they have to dump that oil out, it does pollute the water. I am very glad to see that you have in mind minor waters, and I do hope the department will put in a provision in respect to that situation.

Mr. JOHNSTON (*Bow River*): I would like to ask a question for information. We have been talking about these boats dumping oil. Now, I can understand their wanting to dump the oily water, if they had water in the tanks that had oil in them, and they wanted to dispose of that when emptying their tanks. But, what they want to dump fuel oil for?

Mr. CUMYN: Sir, when you dump a double bottom tank out you cannot get down to within three or four inches of the bottom. In a double bottom tank you hold 200 tons of oil. If you have left three inches of oil in there, and then you dump in ballast water, and then after when you dump that ballast water out, it is contaminated with possibly 12 or 15 tons of fuel oil.

Mr. JOHNSTON (*Bow River*): That would be the oily water?

Mr. CUMYN: Yes.

Mr. JOHNSTON (*Bow River*): But you were mentioning their dumping oil out—fuel oil.

Mr. CUMYN: No, I meant oily water.

Mr. JOHNSTON (*Bow River*): In every case it is oil and water?

Mr. LANGLOIS (*Gaspé*): He meant oil with water.

Mr. CUMYN: When they get to the bottom of the tank it is probably pure oil.

Mr. HAHN: The question interests me, because I have had considerable representation from certain of my constituents with respect to the matter. I have, for instance, a letter from the United Fishermen and Allied Workers

Union, asking that the dumping of waste oil, or other liquids, which may be harmful to migrating salmon and fishermen's gear, be stopped. I have one question with regard to this and I think, possibly, Mr. Carter touched on a phase of it when he said: "some other substance". I have here a letter sent by the Corporation of Delta and signed by Mr. E. F. Chapman, assistant clerk. It reads:

The Delta Municipal Council wish to bring to your attention the plight of fishermen on the Fraser river who are suffering damage to their boats and gear by reason of freighters and tugboats passing by at excessive speeds and dumping used oil and other liquids into the river.

There are "other liquids" mentioned there in that communication.

Later I received another letter from the Delta Board of Trade asking that we should check more closely on boats dumping used oil "and other liquids" into the river. That letter is signed by Mr. Bob Grant, secretary of the Delta Board of Trade. There, too, we have the reference to "other liquids". I was rather interested in the reply given to Mr. Carter, and in the fact that apparently there are no other liquids which are covered by the convention or by the legislation which is now proposed. As I interpret subclause (b), intended to regulate and prevent pollution by oil, it refers to no substance other than oil, and deals only with pollution caused by oil from ships on any inland, minor or other waters of Canada. I was wondering whether it might not be desirable from the point of view of transport, and since this comes under our act, to include a proviso covering "other liquids" which might be, or are, harmful to salmon or other life in the rivers or waters which may be covered by the act. I take it that the Fraser river is included in this group. Mr. Herridge, I believe, raised the point in respect to minor waters. I do not know whether I misunderstood this clause—I have here a copy of the Canada Shipping Act minor waters navigation regulations, and it says on the second page:

In these regulations, "minor waters of Canada" means all inland waters of Canada other than lakes Ontario, Erie, Huron (including Georgian bay), Superior and Winnipeg and the river St. Lawrence east of a line drawn from Father Point to Point Orient, and includes all bays, inlets and harbours of or on the said lakes and said Georgian bay and such sheltered waters on the sea coasts of Canada as the ministers may specify.

I do not think that covers the waters which Mr. Herridge referred to.

Mr. LANGLOIS (*Gaspé*): But if you look at subclause (b) you will find there the expression "other waters of Canada" which is all-inclusive.

Mr. GREEN: "Inland waters" would cover it too.

Mr. LANGLOIS (*Gaspé*): You have there the expression: "inland, minor or other waters of Canada". It is all-inclusive.

Mr. HAHN: I am pleased to hear that. That would, of course, include the river in which I am most interested—the Fraser river. I was wondering, since subclause (b), as it is set out now, is intended to comply with the international convention, if we could not modify it so that it would cover liquids other than oil which might be harmful, because, as I see it and as Mr. Green has pointed out, this possibly should be a separate section of the act in itself. It may be shown that it is not necessary to treat this question of the pollution of inland waters in a separate section, but what I wish to point out is that pollution by oil is not the only kind of pollution from which we suffer in the Fraser river.

Mr. LANGLOIS (*Gaspé*): Excuse me for interrupting at this point but I would like to know what is meant by "other substances"? It could be anything?

Mr. HAHN: Possibly it might include the ejection of waste material from salmon boats, and so on—some of these substances which Mr. Carter has spoken of—dead fish and so on.

Mr. HERRIDGE: Lavatories.

Mr. HAHN: Possibly, lavatories. There are certain acids, also, which might be ejected near the harbours and I am naturally concerned by reason of the fact that many of these fishermen, those working from river boats, especially, are using nylon nets. Now a nylon net is subject to disintegration if it is exposed to certain substances other than oil—oil may not affect them, though it would appear from this statement which I have received that it does. Presumably, therefore, there are certain other liquids which the fishermen have found to have been discharged into the Fraser river and which cause these nets to disintegrate, and I therefore earnestly suggest that the question be inquired into further, namely whether or not it may be desirable to include within the terms of this provision other liquids which may be harmful in their effect.

Mr. BARNETT: I had a question I was going to ask earlier as to what branch of the department is going to administer this legislation—

Mr. LANGLOIS (*Gaspé*): The steamboat inspection service.

Mr. BARNETT: I take it it would be the steamboat inspection service. Now that has been cleared up I turn to this other question raised by Mr. Carter and Mr. Hahn. The same thought has occurred to me, namely whether while we are providing legislation against pollution it might not be wise to take care of possible pollution caused by substance other than oil. I do not know of any example offhand which I could draw to the attention of the committee, except that I understand from recent press reports that quite recently they started to haul liquid pulp down the coast from British Columbia to California—it may be that they have not started the operation yet, but that they plan to start it soon. I do not know whether pulp carried in this fashion would, if put into the ocean, cause pollution or not, but with the development of the wood chemical industry on the coast if this practice of carrying cargo in a liquid or semi-liquid form were to develop, and this type of cargo were carried as normal freight, it seems to me that there would be occasions when ships would be cleaning out their cargo tanks and pollution of shore waters could, at least, result. It appears to me, therefore, that there is perhaps some merit in the suggestion that while we are putting this legislation on the statute book we should include in it a clause which would give the inspection service the power to deal with such a situation if and when it arises rather than that we should have to go through the whole process again at some future date after complaints have been brought to the attention of the minister. It might avoid our having to reopen the act, and it does not seem to me that it would be very difficult to introduce such a provision in respect to our own minor waters.

Perhaps while I am on my feet I might ask one further question in respect to the plans in mind for the control of these practices in what we might term the "more minor" harbours. As I suggested when I spoke in the house there are quite a number of these on the coast of British Columbia which, I take it, would not come within the class of harbours where the facilities referred to in article 8—I think it is—of the convention would be provided. I had occasion to bring to the attention of the minister not too long ago the case of repeated pollution in one of the harbours I am referring to here. The particular harbour was Tahsis on the west coast of Vancouver island, which is strictly a lumber export port, but there are quite a number of such ports in the area and I think

it might be worth while if we could be given some idea as to just what sort of effective control will be introduced with regard to pollution in that particular type of harbour.

Mr. CUMYN: With regard to altering this legislation so as to provide for control of liquids other than oil—for example, sanitary discharges or pulp liquid—we would surely have to find out first just how harmful these liquids are; we surely should name them in the legislation. I do not think we should pass legislation simply giving us power to regulate against the discharge of “any liquid”. Would that be wise?

Mr. HODGSON: On the inland lakes pollution from mines effluent, cyanide, or sawdust from sawmills is a responsibility of the provincial government—at least that is so in the province of Ontario.

Mr. LANGLOIS (*Gaspé*): But we are dealing with pollution from ships only, here.

Mr. CUMYN: With regard to the control of pollution in small harbours the only thing we could do would be to set up a small organization of marine inspectors to investigate these matters, report on them and make recommendations. In most cases pollution is caused by ships discharging their ballast either in port or very close to port.

Mr. CARTER: Is there any control under the Canada Shipping Act on pollution caused by agencies other than ships? I have in mind sawdust which can be a tremendous source of pollution in harbours, and extremely dangerous to fish life.

Mr. LANGLOIS (*Gaspé*): There is nothing in the Canada Shipping Act to that effect.

Mr. CARTER: Is there some other legislation which deals with this?

Mr. LANGLOIS (*Gaspé*): It would be a provincial matter.

Mr. BARNETT: Perhaps I may pursue this matter of pollution from other substances a little further—the carrying of pulp is an example which came to my mind. I do know, from studies made at the head of the Alberni inlet at the time a pulp mill was established there, that the effect on the fishing was quite serious. Many of these small harbours are at the end of long narrow inlets which are important fishing streams. Would control of the activities of ships in that connection come under the Department of Fisheries? The Department of Fisheries, as I understand it, has power to control any pollution of water by mill waste or anything else. Would ships which discharge poisonous fluids also be involved in this connection?

Mr. LANGLOIS (*Gaspé*): If you are dealing with pollution by a ship it comes under the Canada Shipping Act and under no other act.

Mr. BARNETT: I cannot see myself why there would be any objection to allowing the governor in council to make regulations to define such and such a substance as being a harmful substance if and when the occasion arose rather than having to make a specific amendment to the act with regard to each substance as the ill effects became apparent.

Mr. LANGLOIS (*Gaspé*): As it was indicated this morning by the chairman of the steamship inspection board, an extensive survey was made of pollution of waters in our inland, minor, and other waters of Canada. It was found that the cause of this pollution came from the dumping of oil by ships. That is why we are seeking power to regulate and to prevent this pollution.

This morning some members have mentioned pollution by other fluids. The survey, to my knowledge, did not reveal that there was pollution from these other fluids. I believe that it would be most unwise for the department or the government to seek authority to regulate the pollution by these other

fluids without knowing exactly to what extent they contribute to the pollution of waters. By doing so, we might, considering some of the examples which have been given here this morning, run afoul, for example, of the fishing industry. Until these other sources of pollution have been ascertained, I do not think that we should seek power to regulate them.

Mr. CARTER: I do not think it is wise to seek to correct a problem until we know exactly what the problem is.

Mr. LANGLOIS (*Gaspé*): That is right.

Mr. GREEN: Mr. Chairman, I want to ask Mr. Cumyn one or two questions about the pollution on the deep sea. Did he say a few moments ago that the way in which the department would have to check action of this kind would be with the aid of the navy and the air force?

Mr. CUMYN: Yes.

Mr. GREEN: Do you have any arrangement with the Department of National Defence under which that work would be done by them?

Mr. CUMYN: No, sir. We have not made any arrangement in that respect prior to the coming into force of the legislation.

Mr. LANGLOIS (*Gaspé*): We will make our regulations first and then ask the cooperation of the other branches of the administration.

Mr. GREEN: I would think that would create quite a problem. If you are going to turn the destroyers loose checking on oil which may be dumped fifty miles from the coast, it may be a job which does not appeal very much to the navy and the same, I think, would apply to the air force. They may say that they have other work to do. Have you had absolutely no discussions with the defence officers concerning the carrying out of this work?

Mr. CUMYN: No official discussion, sir.

Mr. GREEN: What about providing facilities for storing this polluted liquid in the harbour? Have you, for example, in contemplation the establishment of such facilities in Vancouver harbour?

Mr. CUMYN: Yes, sir. We have made a very comprehensive study and we have a report covering the different harbours and recommendations regarding the establishment of reception facilities in each harbour. We find, for instance, that there are already in Vancouver harbour three private organizations which have reception facilities which will be available. We find that there are more in New Westminster harbour and we are providing for the establishment in New Westminster harbour of a shore depot for the reception of oily residues. I take it, that that oily residue could be transferred by the reception area to the refinery for disposal.

Mr. GREEN: Is it the plan that the Department of Transport will install these facilities?

Mr. CUMYN: The plan is for the Minister of Transport to direct the National Harbours Board to establish these facilities in national harbours.

Mr. GREEN: Neither New Brunswick nor Port Alberni are national harbours. What about them?

Mr. CUMYN: We do not contemplate establishing these facilities except in the very large harbours. In the case of New Westminster, or any other non-national harbour, where facilities are indicated, the Department of Transport will establish facilities themselves; but the idea is that the operation of the facilities will be handed ont to a private firm.

Mr. GREEN: When do you plan to put this scheme into effect?

Mr. CUMYN: As soon as this legislation comes into effect we plan to commence.

Mr. GREEN: Will you take the power to compel a ship to get rid of its oily waste when it comes into a harbour?

Mr. CUMYN: We are prohibiting the dumping of oily waste in our own territorial waters absolutely, so that a ship will either dispose of its oily wastes outside of our territorial waters or, in a harbour, into reception facilities. It will be illegal for a ship to dump waste oil within our territorial waters.

Mr. GREEN: That will mean, I take it, that it will not be compulsory for a ship to use these storage facilities?

Mr. CUMYN: No, sir.

Mr. GREEN: But if they try to dump it somewhere else then they are in trouble?

Mr. CUMYN: Yes sir.

Mr. GREEN: You could not take a Greek ship or a Panamanian ship and compel them to dump this oily waste when they come into the harbour?

Mr. CUMYN: No, sir; but if we catch them dumping it into the harbour they will be fined.

Mr. GREEN: Then, with respect to the dumping of polluted materials into our territorial waters, is there any other provision in the law at the present time under which pollution of this kind can be met?

Mr. CUMYN: Except for local provisions which may be set up by local harbour boards, I do not know of any other legislation.

Mr. GREEN: Take for example Vancouver harbour; is there any power in any governmental body to prevent the dumping of oil from ships in that harbour at the present time?

Mr. CUMYN: There is legislation prohibiting the dumping of oil into Vancouver harbour on a local harbour control basis.

Mr. GREEN: You mean under by-law of the National Harbours Board?

Mr. CUMYN: Yes, sir.

Mr. GREEN: But there is no section in the criminal code which prevents pollution of that kind?

Mr. CUMYN: Not that I am aware of. There is no federal legislation.

Mr. GREEN: We have had a lot of trouble there in recent years just from oil pollution. Do you have a draft of the regulations which you propose to bring into effect dealing with the pollution of our territorial waters?

Mr. LANGLOIS (*Gaspé*): I have a resume of the proposed regulations. It would be rather lengthy to read.

Mr. GREEN: Would there be any objection to giving the members of the committee a copy of those proposed regulations and putting them in the record of our proceedings? I ask that because this is a new field.

Mr. LANGLOIS (*Gaspé*): We are dealing here with regulations which have not, as yet, been made, but are only in the formative stage. This covers only the main points which we want to have included in these regulations. These may be changed in the light of experience, or even before we have the experience. However we are ready to give you the main points which we want to cover by these regulations.

Mr. GREEN: It may be only in the form of a memorandum, but I would think, Mr. Chairman, that it would be very helpful if we could see that memorandum so that we know exactly what the department has in mind. Mind you, this will apply not only to the few national harbours, but it will also apply to all the Great Lakes, the St. Lawrence, and all the lakes and rivers in Canada, wherever ships are operating. Therefore, it is of very far-reaching importance. I think it would be helpful not only to the committee but also to the Canadian people if they knew the type of thing you are trying to do by these regulations. I do not suppose that anybody in the country objects to

regulations of this kind to prevent pollution; personally I think they are very essential. In any event, this would give us a better idea as to what is in mind than we have under this bill. As far as this bill is concerned, the only information which we have there is contained in three lines of clause 25—section 495A(b)—“for regulating and preventing the pollution by oil from ships of any inland, minor or other waters of Canada”. That is the whole law there except, of course, for the regulations which follow. Would there be any serious objection to letting us have this memorandum?

Mr. LANGLOIS (*Gaspé*): I am ready to give you the main points which we intend to cover, but before doing so I must say that this by no means is the final draft; it only contains the points which we want to cover. Before drafting the final regulations we will have discussions with the industry. This is in no way final.

Mr. GREEN: If you could give us that statement, it would be very helpful.

Mr. LANGLOIS (*Gaspé*): We propose to cover by these regulations the following points: (a) making it an offence for oil of certain description being discharged or allowed to escape from ships into Canadian waters except in prescribed circumstances;

(b) if it is considered desirable to do so, for the purpose of protecting the coasts of territorial waters of Canada against pollution by oil, making it an offence for any ship to discharge or allow to escape oil of certain descriptions into designated areas beyond Canadian territorial waters;

(c) requiring masters of Canadian ships to keep records relating to operations in connection with oil;

(d) applying the requirements made under (c) to ships other than Canadian ships while in Canadian waters, if considered necessary;

(e) authorizing steamship inspectors or other persons designated by the minister to go on board any convention ship in a Canadian port and requiring the production of such records as are required to be kept by the terms of the convention, or any subsequent convention for the prevention of pollution of the sea by oil, to which Canada is a signatory;

(f) requiring discharge or escape of oil into harbour waters of Canada in certain circumstances to be reported to harbour authorities;

(g) directing specified harbour authority to provide facilities for the reception of oily residues from ships other than tankers;

(h) permitting harbour authority to join with any other person in providing facilities for reception of oily residues;

(i) listing the zones within which discharge from tankers of oil or certain oily mixtures will be prohibited;

(j) listing of zones into which, as of date, three years after the date on which convention comes into force, the discharge from ships other than tankers of certain oily mixtures shall be prohibited;

(k) prescribing that for a preliminary period the discharge into the sea from a convention ship, not being a tanker, of oily ballast or tank washings shall be made as far as practicable from land.

Mr. GREEN: Would it not make the legislation much more easily understood, Mr. Chairman, in the years ahead, if there were a separate section written into the Canada Shipping Act, say, numbered 495B, which would deal with these provisions for preventing pollution by oil from ships in Canadian waters as distinct from the provisions under the international convention. It was pointed out earlier today that they are all mixed up in the present section.

Mr. LANGLOIS (*Gaspé*): Mr. Chairman, as I stated earlier, our contemplated policy in this respect is to apply basically the same regulations to our home waters as are going to apply to the waters covered by the convention.

Oil in these regulations is going to be defined by following closely, if not in identical terms, the definition of oil in article I of the convention. Basically we are going to apply the same policy. We may have to make some changes in certain circumstances.

Since we are dealing here with an empowering section to carry out the convention, it has been deemed fit to have the regulating powers for our home waters in the same empowering section. Here I want to draw the attention of honorable members again to the fact that we are going to regulate the pollution by oil only from ships, and we are not going to deal with pollution coming from any other source, which as indicated this morning would be a matter for provincial legislation.

I do not see why we should have a different section since we are dealing with the same matter. The only difference is that we are going to deal with waters not covered by the convention, while at the same time in these waters we want to apply the same policy as set in the convention itself.

Mr. HAHN: Mr. Chairman, I come back to a statement made earlier by, I think, Mr. Cumyn, who suggested that we had gone to many of these inland waters and received either a representation or something which would indicate that there was a problem there. I would take it, in the course of these interviews, that you must have received some representations from bodies respecting the problems in so far as extraneous matter other than oil is concerned. Did you get, in your submission from New Westminster for instance, any representation from any organized body such as the Fishermen's Union there to indicate what their problem was?

Mr. CUMYN: Yes, sir. We have had some representations from fishermen in the neighbourhood of New Westminster, but they were not very definite and they did not name any specific fluid outside of the ones with which we are dealing, oil, crude oil or fuel oil. We have never investigated what harm may be caused by other fluids and we are not in a position to say just how damaging they are.

Mr. HAHN: Under those circumstances I would say then it would appear at this time that your conclusion would be that if you cover oil at this time, if there are other matters which would appear to be damaging we would have to bring in a change in the act later specifically naming them.

Mr. CUMYN: Yes, sir. The determination that a certain fluid is harmful will require a very comprehensive investigation. Even today there is no one, I think, prepared to say definitely that fuel oil or crude oils are harmful to fish life. Even this Faulkner Report, based on investigations carried out by the British, is very careful in stating that there is damage through spoilation of species of sea birds and goes on to say: "Some people claim that this oil destroys fish life." But I have never yet seen any definite statement that fish life is being destroyed by oil.

Mr. HAMILTON (York West): Mr. Chairman, I think I would like to support the suggestion made by the honourable member from Vancouver Quadra, as you would expect me to.

Mr. LANGLOIS (Gaspé): As a matter of principle.

Mr. HAMILTON (York West): I knew you would have said that, so I just beat you to the remark. But it seems to me, sir, that one of the chief reasons for saying that I would support such a suggestion as he has made, comes from the actual reading of the proposed regulations that you have just made, sir—or at least the parliamentary assistant has just made.

Now, there seems to be a logical tie-up to the starting of the words in 495A. It is a preamble of the same type, and then everything that follows fits in with it and modifies that preamble. The additional proof I think I

might look for is in the words of the regulations as proposed and read by the parliamentary assistant. Those two are fitted very closely, and I followed them, with the preamble here. It seems to me that if we want to avoid confusion in the future, then now is the time to do it. There is no use coming back after some lawyer gets hold of this thing, when it is passed and says: "Here is a loophole in this legislation, a way out of it". I would strongly suggest, as the member for Vancouver Quadra has said, that 495A(b) be put in there to take care of all those things which would not naturally follow from the signing of the convention itself.

Mr. LANGLOIS (*Gaspé*): Mr. Hamilton, do you not think that if we are going to have two empowering sections, and two sets of regulations, that we are going to add to the possibility of confusion? Take a convention ship that comes within our territorial waters; she has to comply with the regulations made under the convention. She comes up the St. Lawrence seaway and into the lakes, and then her master is told there is another set of regulations applying there. Would he not be inclined to say, "These regulations are good for the other ships only. I do not have to comply with them as a convention ship." This might lead to confusion and misunderstanding.

Mr. HAMILTON (*York West*): As a matter of fact, sir, if I might interrupt you, I would say that I do not expect to see separate and distinct requirements, I do not expect to see them necessarily. But, I think that the enabling section, which is behind them, may be required to ensure that everybody knows that it covers not only a ship covered by the convention but any other ship. I think it is a most important feature that when your regulations are published, it may be that they are published as a result of section 495A(a), and section 495A(b)—that there will be no doubt left in anybody's mind as to who is covered.

Mr. LANGLOIS (*Gaspé*): I gave you earlier an example of the foreign convention ship. Take now a Canadian ship covered by convention. She is required under this new section that you are now suggesting—call it 495A(b), to comply with some requirements whilst in the lakes. After that, she goes on the east coast, the Atlantic coast outside of the territorial waters of Canada and her master may think that the convention does not apply to his ship there. It might lead to confusion there, even for our own Canadian ships.

Mr. GREEN: I think it would be worth while to give consideration to having two sets of regulations, because the convention provides a very different procedure than you would require for the dumping of oil right in our own waters. The main purpose of the convention is to cover the dumping of oil up to 50 miles off our shores, and if you will read the terms of the regulations you will see that that is quite a different problem than the dumping of oil right against our shore.

Mr. LANGLOIS (*Gaspé*): It includes also, Mr. Green, the disposing of oil in harbours.

Mr. GREEN: No, the dumping of oil 50 miles out is a crime under this convention, and it is not a crime under—

Mr. LANGLOIS (*Gaspé*): You mean within 50 miles.

Mr. GREEN: I beg your pardon?

Mr. LANGLOIS (*Gaspé*): You mean within 50 miles, not outside 50 miles?

Mr. GREEN: If a Greek ship dumps oil 45 miles off the Canadian coast, then it is subject to a penalty.

Mr. HOSKING: Or right in the harbour.

Mr. GREEN: Yes, but if it dumps oil outside of 45 miles, it is subject to a penalty under this convention. But, if it dumps oil in the harbour, then it is subject to the provisions applying to our local waters. Now, take for example Article II of this convention which provides for the exemption of ships that are not subject to the international convention. One example of that is a ship under 500 tons gross tonnage. You cannot lay any charge against a ship which is under 500 tons gross tonnage under this convention. Supposing a 300-ton gross tonnage ship dumps oil off the Newfoundland shore, or off the B.C. shore and then the department proceeds to prosecute under this section 495A(a); Mr. Hamilton is acting as lawyer for that ship. He most certainly will refer to the convention and see that the convention does not apply to ships under 500 tons. Therefore, the convention does not apply to the ship in question the way this section 495A reads: "The International Convention for the Prevention of Pollution of the Sea by Oil, 1954, set out in the 14th schedule, is approved, and the governor in council may make regulations: (a) to carry out and give effect to the provisions of the convention—", and so on; "(b) for regulating and preventing the pollution by oil from ships of any inland, minor or other waters of Canada;—". Now, surely a lawyer would argue and would probably convince the judge, that the paragraph (b) only refers to ships coming under the international convention. If he is successful in that, then your prosecution falls to the ground, because, the ship in question is under 500 tons.

Now then, to get away from that situation, what we are suggesting is that it would be wiser to have a separate section which makes the law absolutely clear, that in any Canadian inland, minor or other waters you cannot dump oil. If you had a separate section, then the prosecution would be under that separate section, and you would get away from all the difficulties of proving that the offence comes under the international convention. I think that the people of Canada are entitled to have that law made clear, and to have spelled right out what they can and cannot do in Canadian waters, instead of just tacking it on to a law dealing with the international convention.

Mr. LANGLOIS (*Gaspé*): I am sure, Mr. Green, you have a higher regard than that for the abilities of Mr. Hamilton as a lawyer; consequently before taking action in a case like that, or before accepting to defend his client, he would surely have a look at the regulations made under section 495A.

Mr. GREEN: The regulations cannot go any further than the section under which they are drawn, and the section is obviously—

Mr. LANGLOIS (*Gaspé*): Subsection (b) is not limited to the provisions of the convention. It does not refer to the convention at all.

Mr. GREEN: No, no, but the only authority the department is taking for drawing the regulations, is the regulations in respect of the international convention. Now, that is not what you want to do. You do need regulations to enforce the international convention, but you have to have a separate power to deal with the pollution of our water. It might not be done by the ship that goes outside of Canadian territorial waters. In fact, the chances are that it will be done by a coastal vessel or a vessel of the Great Lakes that is not affected in any way, shape or form by the international convention. Now, we only bring this forward as a suggestion to clarify your legislation, not to criticize the objective at all. It is merely to help you get your legislation in the best possible form.

Mr. LANGLOIS (*Gaspé*): Mr. Green, if you refer to Article XI of the convention you will find that it reads as follows:

Nothing in the present Convention shall be construed as derogating from the powers of any Contracting Government to take measures within its jurisdiction in respect of any matter to which the Convention relates or as extending the jurisdiction of any Contracting Government.

Mr. GREEN: I quite agree with that, that is perfectly clear.

Mr. LANGLOIS (*Gaspé*): I am sure that Mr. Hamilton will read this article before taking his case to court.

Mr. GREEN: That does not meet the argument, Mr. Chairman. What we are asking is that the department actually do that very thing that is set out in Article XI; that it make another provision, have other regulations, dealing with the dumping of oil in our territorial waters, and under that article you have got the power to do so. "Nothing in the present convention shall be construed as derogating from the powers of any contracting government to take measures within its jurisdiction in respect of any matter to which the convention relates or as extending the jurisdiction of any contracting government."

Now, all that I am saying is: follow that course and write a separate section into the act dealing with the pollution of our territorial waters.

Mr. JOHNSTON (*Bow River*): Mr. Chairman, it seems to me—I am not a lawyer and probably look at this thing in a different way—but it seems to me that the act is quite clear, and that subsection (b) does not necessarily relate to convention ships. Now, I do not see why you would want to confuse people's minds by that addition. Anyone who reads the act can see that subsection (b) relates to ships other than ships under the convention. To have two sets of rules or regulations which apply to the same thing it seems to me would be very confusing. I think that in this particular respect it is better to leave it just the way it is. Maybe then there will not be such a need for lawyers to argue the points. I am not against lawyers, but I was just pointing out that perhaps Mr. Hamilton has got something in the future in mind. I think we better leave the act the way it is.

Mr. HAMILTON (*York West*): As a matter of fact, those who practice in the admiralty field no doubt will be very upset that I am handling this hypothetical case here, that I am extending my practice of the air business into the sea business. Peculiarly enough, I do take a slant almost directly opposite to what Mr. Johnston has said. He has looked at it and said, "Well, now, I see subsection (b) and there it is; it is quite clear". The first impression that we get from it when we take a look at it is that subsection (b) related to section 495A, the preamble on top of the section. Now, there is a difference in attitude, in taking a first look at this and making a decision on it. I think, Mr. Johnston, that is proof enough that there is going to be confusion in respect to it. If there is confusion in this committee, as I said on Friday when we were talking about other matters—if there is confusion in this committee on it, then obviously we can expect confusion outside.

Now, I think, notwithstanding the section that you read out of the convention, that over the noon hour recess you might consider, or have some of your departmental officials consider the advisability of clearing this up.

Mr. JOHNSTON (*Bow River*): Could we let it stand until after lunch and go on with something else?

Mr. LANGLOIS (*Gaspé*): Mr. Chairman, a good deal has been said about the convention, and I do not see where the cause of such confusion is in this empowering section that we are seeking here. We have an international convention and we are going to make the regulations to carry out this convention. Now, we want to extend this convention to cover Canadian waters, that is our own inland, minor and other waters in Canada.

Mr. GREEN: You want to go further than that.

Mr. LANGLOIS (*Gaspé*): We want to follow the same basic policy as the one contained in the convention. I do not see why there is so much confusion.

Mr. GREEN: Mr. Langlois, do you not want to cover ships under 500 tons gross tonnage?

Mr. LANGLOIS (*Gaspé*): In Canadian waters, yes.

Mr. GREEN: But you are not going to.

Mr. LANGLOIS (*Gaspé*): In inland waters, I should say.

Mr. GREEN: It goes further than extending the convention. You have got to have a special provision to cover all those ships. You cannot just take—

Mr. LANGLOIS (*Gaspé*): We will have a regulation to that effect for inland, minor and other waters in Canada, prohibiting the dumping of oil by ships, no matter what size.

Mr. JOHNSTON (*Bow River*): It says that in section B.

Mr. HAHN: No, it does not.

Mr. LANGLOIS (*Gaspé*): I do not know what good it would do to have an additional section.

Mr. GREEN: I will tell you what I would do; I would leave that section just the way it is, dealing with the international convention for the prevention of pollution at sea, and then I would add another section dealing with the pollution by ships in our own waters, in a separate section.

Mr. LANGLOIS (*Gaspé*): Is that not saying exactly what subsection (b) says there?

Mr. GREEN: I beg your pardon?

Mr. LANGLOIS (*Gaspé*): Is that not saying exactly what subsection (b) says there?

Mr. GREEN: I would add a 495B for our own local waters. I think that according to the legal rules of interpretation a court would decide that the whole of clause 495B refers to the international convention and to it alone.

Mr. LANGLOIS (*Gaspé*): I would like to know what more you would want to add to the present subparagraph (b), if you are going to put it in a separate clause. What is it that you have in mind which should be added?

Mr. GREEN: If you do not want to put in any wider provision for the dumping of other substances, then leave it at oil. But the main purpose of the new clause would be to make it a crime for anybody to dump oil into Canadian waters. If you put it that way, you would get away from the exemption of a vessel under 500 tons, for example, and you would make it apply to all ships, be they large or small in Canada; because some of the little vessels would make much more trouble than the big ones. Those are the ones you would have to contend with on the coast and probably in the Great Lakes as well.

Mr. LANGLOIS (*Gaspé*): It is not only a question of the dumping of oil, but there is also the matter of keeping records. We would need to have the power to make regulations.

Mr. GREEN: All right. Take the power to make regulations.

Mr. LANGLOIS (*Gaspé*): Then you would have two sets of regulations.

Mr. GREEN: What harm would there be in that?

Mr. LANGLOIS (*Gaspé*): Would it not cause confusion?

Mr. GREEN: You will have confusion anyway, because the whole of your regulations will apply only to the dumping of oil off the coast, while the others will apply to the dumping of oil right on our shores. I think it would be wiser to have two sets of regulations.

Mr. LANGLOIS (*Gaspé*): That is exactly the argument I made. If we have two sets of regulations, we would have confusion because interested parties would not know which set of regulations to comply with; whereas if we only have one set of regulations, then they will know what to comply with. If you have in this one set inland and minor waters and other waters of Canada, they will know that dumping is completely prohibited there. Even if a ship is over 500 tons it cannot dump oil into the sea in these waters. Therefore there would be only this one guide to go by and not two of them.

Mr. HAHN: Might I suggest that Mr. Langlois look it over during the noon hour and that we now call it one o'clock?

The CHAIRMAN: Very well. We shall adjourn at this time to meet again at 3 o'clock this afternoon.

(Luncheon adjournment.)

AFTERNOON SESSION

JULY 18, 1956

3.00 P.M.

The CHAIRMAN: Gentlemen, we have a quorum.

Mr. JOHNSTON (*Bow River*): Mr. Chairman, having had a good dinner, and partly being influenced by what my lawyer friends back here had to say—

Mr. LANGLOIS (*Gaspé*): Where did you have your lunch?

Mr. JOHNSTON (*Bow River*): I almost believe that that section is a little misleading. I think the suggestion that Mr. Green made in respect to clarification of it might be needed. Subsection (b) it would seem to me, could be made a little clearer so as to apply to those ships not under the convention, and operating in our minor waters, and so on. That would make it clear. I still do not see the need of two sets of regulations. I think that could be cleared up in this section right here, and I think the chairman should give consideration to that.

Mr. LANGLOIS (*Gaspé*): Mr. Chairman, that is a matter of drafting. I must admit right away that I am not an expert in the drafting of legislation. The proposed wording in the bill was suggested to us by drafting experts, who have considered, I am sure, all the points which were made here this morning. However, during the luncheon recess a different wording was suggested to us in respect to the proposed section 495A, which would, to my mind, cover most of the points and most of the objections raised this morning.

With your permission, Mr. Chairman, I will read from this proposed new drafting of section 495A. It would read as follows:

495A. (1) The International Convention for the Prevention of Pollution of the Sea by Oil, 1954, set out in the Fourteenth Schedule, (hereinafter called the Convention), is approved.

(2) The Governor in Council may make regulations

- (a) to carry out and give effect to the provisions of the Convention;
- (b) for regulating and preventing the pollution by oil from ships of any inland, minor or other waters of Canada; and
- (c) prescribing a fine not exceeding five hundred dollars or imprisonment not exceeding six months or both fine and imprisonment to be imposed upon summary conviction as a penalty for violation of a regulation made under this section.

I wish to submit to the committee that this new proposed section is quite clear, and I think meets most, if not all, of the objections raised this morning.

Mr. GREEN: The only suggestion I would make with regard to that change would be: that after the new "(a)" you add words something like this: "and in addition", so that that would make is absolutely clear that "(b)" has nothing whatever to do with the convention.

Mr. LANGLOIS (*Gaspé*): I had something like this in mind—I did not have the exact words that were used by one of my colleagues in this committee before luncheon, but I suggested the word "also". However, I am told by the drafting experts that if we did add that word it would tend to restrict the application of "(b)", because it could be interpreted as meaning that you could do "(a)" but you could do "(b)" only after you have complied with "(a)". It would be restrictive.

Mr. CAVERS: That could be, I think.

Mr. LANGLOIS (*Gaspé*): I am told, in addition to that, that "and" is implicit.

We have here Mr. Driedger, the Assistant Deputy Minister of Justice, and he could perhaps explain further what I have just said, if the committee wishes to hear him.

Mr. HAHN: I think we should hear him.

Mr. E. A. DRIEDGER (*Assistant Deputy Minister, Department of Justice*): Yes: Perhaps I might start by asking if there are any question that might be asked? Mr. Langlois has explained what we are trying to do here. I might mention, perhaps, the history of this section. It originated simply with a provision that the governor in council might make regulations, and then we have (a), (b) and (c). But, in the Senate committee they felt that there should be extra approval by parliament of what was to be in at the beginning of the section. That is what led to the form you now have before you. I can appreciate that there might be some confusion in the minds of people reading that, thinking that all the paragraphs apply to the convention, whereas (b) goes beyond the convention. So, I thought that the point might be met by breaking it up into two separate subsections. The subsections would state independently, and on an equal footing, that the governor in council might make regulations for (a), (b) and (c). Now, it was suggested that (b) might be preceded by saying, "and in addition". That could be done, perhaps, but I am afraid that that might be construed as meaning that you cannot make regulations under (b) unless you had first made regulations under (a) and those regulations continuing. Having done that, you might in addition make regulations under (b). But, it might be interpreted as meaning that you cannot make any regulations under (b) at all, unless you first made them under (a). I think perhaps Mr. Green's point is met by the fact that "and" conjunction at the end means that you must read (a), (b) and (c) and I think that does give the power you are looking for.

Mr. BARNETT: Mr. Chairman, I have been reading the definition section and—

Mr. LANGLOIS (*Gaspé*): Are you speaking of clause 25?

Mr. BARNETT: Clause 25, yes. In reading the definition of a ship in the definition section of the act, which says "'Ship' includes every description of vessel used in navigation not propelled by oars; for the purpose of Part I (recording, registering and licensing) and sections 657 to 662 inclusive (limitation of liability) it includes every description of lighter, barge or like vessel used in navigation in Canada however propelled;". Now, the question I would like to ask in connection with the use of the word "ship" in this section that we have under consideration is: whether by virtue of the definition section we are excluding from the regulations here barges which might be used—that is non-propelled barges—which might be used for the transport of oil? Because,

it limits as I understand it, and as I read this definition section, it limits the application of the word "ship" in respect to non self-propelled vessels, or barges, to Part I, and to section 657 to 662 inclusive. It occurs to me that if that is the case, this could happen: if oil was being transported by barges which were not self-propelled, there would be no control over anything that they might do, in respect to pollution from such barges.

Mr. LANGLOIS (*Gaspé*): If you refer to section 2 of the act, the interpretation clause, subparagraph 98, you will see that a "ship" includes every description of vessels used in navigation not propelled by oars; for the purpose of Part I (recording, registering and licensing) and sections 657 to 662 inclusive (limitation of liability) it includes every description of lighter, barge or like vessel used in navigation in Canada however propelled;" that is the definition that would apply to this paragraph.

Mr. BARNETT: Does the definition section apply, or does it not apply? I am not quite clear on this; does it exclude for all other parts of the act except Part I, and sections 657 to 662—lighters, barges and so on?

Mr. LANGLOIS (*Gaspé*): I do not think so.

Mr. BARNETT: I cannot take any other meaning out of it. I would like to have some explanation as to just what that does mean there. Why is the providing section of the definition put in there after that semicolon, if it is not designed to—

Mr. CUMYN: I think "however propelled" is the answer. A ship is something that is not propelled by oars.

Mr. LANGLOIS (*Gaspé*): Mr. Barnett's contention is that this "however propelled" applies only to Part I. That is your point?

Mr. BARNETT: Yes. Part I, and these few other specific sections.

Mr. LANGLOIS (*Gaspé*): It would eliminate, according to his contention, all vessels not propelled by oars; that is your point?

Mr. BARNETT: All vessels not—the first part says that anything which is larger than a rowboat is a ship. That is the way I understand the first part. But, then it goes on to say that which I assume means that these vessels not propelled by steam or—

Mr. LANGLOIS (*Gaspé*): If you exclude from the definition given in section 2, everything having to do with Part I, you have a definition of a ship which reads as follows: "Ship includes every description of vessels used in navigation not propelled by oars." If I understand your contention, the remainder of the definition applies only to Part I.

Mr. BARNETT: That is the reason I raise that question.

Mr. BALDWIN: Part I is the registry section, and our registry staff tell me that they have interpreted this definition to mean that it is included specifically to make it possible for barges and lighters to be registered as ships, and they are so registered.

Mr. BARNETT: You are quite sure that for barges, in this oil pollution part of the act, if pollution was caused by a tow barge, it would be covered by this?

Mr. BALDWIN: Yes, but pollution caused by throwing something from a rowboat would not be covered.

Mr. LANGLOIS (*Gaspé*): It would exclude rowboats, that is all.

The CHAIRMAN: Shall clause 25 carry?

Mr. LANGLOIS (*Gaspé*): Mr. Cavers, perhaps you could move the amendment which I just read. Do you want to take it as read, or do you want the secretary to read it? Do you want to take it as read? Would you move this amendment, Mr. Cavers?

Mr. CAVERS: Yes, I will.

Mr. LANGLOIS (*Gaspé*): Do you want the secretary to read it?

Mr. CAVERS: That is the one that is read. I move, seconded by Mr. Hosking, that clause 25 be amended by adding the following to section 495A, as follows:—as read by Mr. Langlois.

The CHAIRMAN: Shall clause 25 as amended carry?

Clause agreed to.

On clause 26—Exemption.

Mr. GREEN: Clause 26 just makes a correction?

Mr. LANGLOIS (*Gaspé*): Yes, that is the only purpose of it.

The CHAIRMAN: Shall clause 26 carry?

Clause agreed to.

On clause 27—Regulations.

Mr. NESBITT: Mr. Chairman, probably Mr. Langlois, and some other members of the committee will know that this has been a subject which has been of considerable interest to myself, and to other members for some time. I thought it might save a little of the committee's time if I read these questions through, and then Mr. Langlois might answer them or comment on them.

Mr. LANGLOIS (*Gaspé*): Would you mind, Mr. Chairman, before doing that, if I make a very short explanatory statement?

This clause has to do with section 645 of the Canada Shipping Act. The present subsection 4 confines to minor waters the power of the governor in council to make regulations governing navigation. It was under this subsection that minor waters navigation regulations were made affording some measure of defence to the public against the reckless operation of motor boats. However, the scope of the regulations has been found to be inadequate since many tourist centers are situated on bodies of water not included in the minor waters of Canada. The department has received many protests and complaints from the public concerning the reckless operation of motor boats by minors and others to the danger of canoeists, swimmers and others, but there has been no recourse owing to the limitations in this subsection. The amendment is designed to make possible a better control over the operation of power boats.

(1) By extending the application of the subsection to all waters in Canada;

(2) By empowering the governor in council to make regulations requiring operators of motor boats to be licensed. The regulations will be designed to ensure that operators of power boats will be responsible persons with an awareness of the rules of the road, and other safety regulations.

Now, if you want to go ahead.

Mr. NESBITT: Yes. I would like to commend the parliamentary assistant, or the minister or whoever is responsible, for making an amendment to this section. I am quite sure that such amendments are very necessary in view of the conditions that have been pointed out by the parliamentary assistant in the house, and by other members.

There is only the question that arises in my mind at this time as to how far the department intends to go with these regulations. Now, it has been indicated by the parliamentary assistant that certain types of regulations are in mind, and for this reason there are a number of specific questions I would like to ask him, which are as follows: first, is it the intention of the department—before I put this question, I might say that it was my understanding as of two meetings ago of this committee that the parliamentary assistant stated that in the fall there are going to be conventions at which time officers of the department could consult with boat clubs, yachting clubs, and

manufacturers of outboard motors, and boats, and also a questionnaire sent out in order to get the best possible regulations. The questions then that I have in mind are as follows: is it the intention of the department to have licences, or some sort of registration for all types of small boats, which would include boats powered by engines less than 10 horsepower, sail boats, possibly even rowboats, or canoes?

Now, my contention, Mr. Chairman, in this respect is that it might be very favourable for the department to have statistics showing the total number and class of small boats, even including rowboats and canoes, in order that future regulations which may be necessary from time to time can be made. It is just a suggestion in this respect that it might be possible, if we do not want to issue licences to people who own rowboats and canoes, merely to have some form of registry so we know the total number in existence. Also in this regard, will any licence fee be charged—there is none at the moment. Perhaps, Mr. Chairman, Mr. Langlois might care to answer those questions before I go on to the next.

Mr. LANGLOIS (*Gaspé*): Mr. Chairman I believe that Mr. Nesbitt is confusing two things, because he is talking about the licensing of the boats themselves, and not the operators.

Mr. NESBITT: Just a minute, Mr. Chairman, I am coming to the operators next. This is just in respect to boats, this particular line of questioning.

Mr. LANGLOIS (*Gaspé*): This section deals with the licensing of operators. In this respect we have not as yet drafted our regulations. As I understand, and as I stated yesterday, or the day before yesterday, to this committee, before we do draft these regulations we want to consult with, and we want to get the views of all those interested in boating operations. We want to consult with those who operate beaches those who are interested in boating organizations, and we want to consult with the manufacturers of motor boats, and in a word, with all those who are interested in boating. It is our intention, some time between now and the fall, to get in touch with those organizations, by way of a questionnaire which will be sent out to all those interested, seeking their views and suggestions about these proposed regulations, and also informations about the present situation.

Mr. HAHN: Pardon me, Mr. Langlois, did you say "will be" or "have been"?

Mr. LANGLOIS (*Gaspé*): Will take place in the fall. You are referring to these discussions that are going to take place?

Mr. HAHN: Yes.

Mr. LANGLOIS (*Gaspé*): As far as limiting the horsepower to which these regulations are going to apply, we have not made up our minds as yet. Our decision will depend on the views that are going to be made known to us after we have gone into these consultations, and we have received the views of those interested.

Clause 27, as it now stands, will cover any type of boat, no matter what the power is. There is no limitation in the clause itself. It is probable that after we have consulted with those interested we will decide that these will only apply to motor boats equipped with 5 or more horsepower engines. It is probable that it may be limited to 10 horsepower engines. But, so far we do not know where the limitation is going to be placed or if there is going to be any limitation. It will depend on the results of the consultations and the discussions we are going to have with interested parties.

Mr. NESBITT: Mr. Chairman, I would like to ask Mr. Langlois just one other question on that particular branch of the subject. I will not ask if it is the intention, because Mr. Langlois has stated that they have not yet drawn

up the regulations. But, would it not be of considerable advantage to, not necessarily licence, but at least have a register of all types of small boats so that we know the number there are?

Mr. LANGLOIS (*Gaspé*): The boat registration is done under section 109 of the act. It has nothing to do with this.

Mr. NESBITT: I think, Mr. Langlois, you are confusing my use of the word "registration".

Mr. LANGLOIS (*Gaspé*): Are you speaking of registration of the boats or of the operator?

Mr. NESBITT: No, no, I am speaking of boats. I know quite well what registry means under section 109. Perhaps I should use another term so as not to cause confusion of terms. Would there be some record of all small boats that are owned in Canada, regardless of their size, or whether they are propelled by oars, or by motor, or by sail, merely for the purpose of the department having statistics in respect to the number of people who are likely to be at large on various bodies of water—and it of course could include boats propelled by engines, sailing boats, canoes, and rowboats?

Mr. LANGLOIS (*Gaspé*): I would ask Mr. Baldwin to answer that.

Mr. BALDWIN: Under section 109 we do issue a licence to the boats, as distinguished from operators. At the present time the only list we have is for boats of 10 tons or more. If, as a result of discussions, it appears that there should be a listing, and from the point of view of the R.C.M.P. they want such a listing, it would then be open for you to amend the regulations under section 109 to provide for such a listing, or licensing of them.

Mr. NESBITT: That is what I meant—not necessarily in the case of canoes, but just for record purposes of the department in respect to the number of boats. Now, was there any intention regarding any license fee for the licensing?

Mr. LANGLOIS (*Gaspé*): I said in the house that there would be no fee.

Mr. NESBITT: Under this clause 27 as amended, I see that the amendments proposed extend to all waters of Canada, which is quite broad. Subparagraph (a) says: "for the government and regulation of any part or parts of the inland, minor or other waters of Canada". The words "govern and regulate" are very broad, indeed. I am very glad they are, because they give the department considerable power to regulate. Then, of course, "for the licensing of operators of vessels on such waters—" and "for the enforcement of any such order or regulation". Now, there are one or two thoughts arising in my mind. Since I understood from Mr. Langlois that they have not as yet drawn up, or attempted to set the regulations, I would rather put this remark in the form of a suggestion for the purposes of the record. The thing that occurs to my mind is this: in view of the present regulations, I rather hoped that the life saving equipment regulations would be extended to sailing ships as well as to power-driven vessels. Then a question also arises in one's mind with respect to even small boats such as rowboats and canoes. The obvious thing is for someone to say that it would be ridiculous to have life-saving equipment, as we know it at the present time, installed in rowboats and in canoes. There would not be room. However, it is possible that the officials of this department might discuss the matter with the National Research Council people and that some form of life-saving device might be dreamed up which could be used in rowboats and canoes. That is just a suggestion.

I rather gathered that the speed at which power boats can be driven will probably be regulated. I hope that is the case.

Regarding the licensing of operators of boats, I would assume that there will be certain age limits for persons allowed to operate boats and also that they will have to pass some sort of examination which, I think, is something on which most people will agree.

There is another regulation regarding boats which might commend itself to officials of the department; that is, that all boats of certain classes, power boats or even sailboats, be equipped with flares and smoke floats to attract attention to them in the case of emergency. That would, of course, I think, have to be for certain classifications of boats.

Another thing which I believe should be made clear in the regulations has to do with the type of fire-fighting equipment which will be required aboard power-driven boats. Naturally, aboard sailboats and some other types, perhaps it is not as necessary.

There are one or two other suggestions I have in this regard. With respect to the question of enforcement of these regulations, as the parliamentary assistant told us yesterday when I was asking some questions about spot checking of vessels under five tons, it is very difficult to expect the Royal Canadian Mounted Police to enforce all these regulations because the R.C.M.P. have other duties and to do this would mean that there would have to be an increase in the staff of the R.C.M.P. If it were necessary to increase the staff of the R.C.M.P. to carry out other suggestions which were made by some members of the committee yesterday with respect to vessels of five tons and under, which I think we were informed takes in 12,000 or more all over Canada, it would certainly test the gullibility of the staff of the R.C.M.P. to ask them to spot check several hundred thousand small boats, which I suspect there are, of all classes in Canada.

It seems to me, Mr. Chairman, that the way to get around this would be relatively simple and relatively inexpensive. This small boat problem is a seasonal problem in Canada with respect to the type of small boat contemplated by this amendment; it is strictly a seasonal problem, particularly in areas such as the Montreal area, Lac St. Louis and the lower Great Lakes and resort areas of Ontario, Muskoka, Haliburton and various other areas where this problem will arise.

This is just a suggestion. However, I think that the department might well, on a summer basis, hire university students who could be given training for a period of a week or ten days if necessary. It would cost very little for the four months and it would be much less expensive than increasing the force of the R.C.M.P. to carry out this spot checking of all these boats. These students could check all the fire-fighting and life-saving equipment, and the students could also do another thing; they could have meteorological reports passed on to them in certain areas, particularly in the lower Great Lakes area, which probably has more changeable weather than any other place on the continent. Also storm warnings would be very important. If necessary in some cases these temporary summer police—which you might call them—of the Department of Transport could even have the power of prohibiting people taking small boats out in large bodies of water. I know that this is done in the United States by the American coastguard. When a storm comes up and you are in harbour, you just cannot take your boat out. That is a very sensible regulation.

These student police in the Department of Transport could act as coordinators. I think that most people realize at the present time that there are services to be performed in respect to search and rescue work such as are performed by the Royal Canadian Air Force at Trenton and other parts of Canada and also by the R.C.M.P. who have certain power boats; but the big problem is to coordinate these. The provincial police have certain rescue services. The general problem in most places is to get in touch, in the case of an accident, with these services, and these student police could act as coordinators in the case of an accident. Speed is the important thing in

the case of an accident. They could get in touch with the Royal Canadian Air Force, the Royal Canadian Mounted Police or the provincial police, as the case may be.

It may also be that these student police, if we consider using them, should have the authority to enforce the regulations on young people, perhaps, who are intoxicated or who are driving speed boats around in a congested area where there are other boats and where people are bathing.

Another suggestion which I have in this respect is that in very congested areas, possibly in the lower parts of Lake Ontario, the department might, in the summer, consider renting a boat which could be used as a duty boat. I do not think that this committee, or others who are interested in this, wish to see a large amount of money being spent but are merely interested in providing the most efficient service at the minimum cost.

The member for Stormont and the member for Kootenay brought up the question yesterday with respect to the regulations regarding the adequacy of life preservers, and I do not wish to go into that at present.

There is another question which I would like to ask the parliamentary assistant with respect to clause 27(5): "Any rule, regulation or order made under this section may provide for a fine not exceeding five hundred dollars for contravention of or non-compliance with any provision thereof." Does this clause come under the Summary Convictions Act?

Mr. LANGLOIS (*Gaspé*): It comes under section 683 which reads as follows: "Fines incurred or imposed under this act may, except as otherwise provided by this act, be recovered before a stipendiary or police magistrate, or two justices of the peace on summary conviction pursuant to the provisions of the Criminal Code relating to summary convictions."

Mr. NESBITT: I just wondered whether it comes under the Summary Convictions Act. Since it does, that covers the point very well. Those are all the suggestions which I have to make, Mr. Chairman. If the parliamentary assistant cares to make any comment at this time it would be appreciated.

Mr. LANGLOIS (*Gaspé*): My first comment would be on your suggestion having to do with the equipment. The suggestion which you have made will be taken into consideration, but we have to bear in mind that these small boats have a load capacity which should not be exceeded. If they are loaded to a point where they are unseaworthy, what is the use of having life-saving equipment and so forth. There would have to be a line of demarcation.

As to the cooperation of the local authorities, I have said in the house that it was our intention to consult with, and seek the views of, provincial and local authorities.

In so far as your suggestion with respect to students is concerned, I think it is a pretty good suggestion. However, one must bear in mind the extent of the coast which we have to cover.

Mr. NESBITT: It is only in certain very congested areas. The R.C.M.P. could cover the others.

Mr. LANGLOIS (*Gaspé*): But you must admit this is quite a problem, even if you are going to look after the more concentrated areas only. You have to take into account the immense territory that you would have to cover. Your suggestion has some merit and should be considered.

As far as the system of storm warning is concerned, as you no doubt know, the visual storm warning system is pretty well out of use today due to its limitations. We are now looking into the possibility of making more extensive use of radio for storm warning purposes.

You also referred to the rescue angle of the problem. I think it was when your motion was debated in the house that some figures were given as to the extent of the air search and rescue activities that we now have with the cooperation between the R.C.A.F., the R.C.M.P. and our own departmental vessels. On this particular occasion when your motion was discussed, it was also pointed out that we had in mind enlarging our activities in that respect, and I may say for the benefit of members of the committee that our department is contemplating, in the near future, the addition to our departmental ships of the modern means of rapid communication which can be provided through the use of helicopters. In designing new ships as replacements for the existing ships, we wish, as far as feasible, to provide platforms which could be used by helicopters. As far as this is feasible, we also wish to convert the existing ships into helicopter-carrier ships in order to expedite and to extend the scope of our search and rescue activities. We definitely have this in mind and it is in the thinking of the officials of our department.

Mr. HOWE (*Wellington-Huron*): Will any of the helicopter platforms be used in the Great Lakes?

Mr. LANGLOIS (*Gaspé*): Yes. I am told that the ship which is now under tender for the upper Great Lakes—Lake Huron—is going to be provided with a helicopter.

Mr. Nesbitt, I do not know whether I have covered all the points which you raised but I can say this, that we are going to take into account the views which you have expressed today and we hope that we will get an expression of views of this kind from the general public. We want to have regulations drawn up which will not only be the views of officials of the department but will also be the views of all those interested in safety afloat. That is why we are having this conference in order to have discussions with all those interested in these kinds of activities, before we draw up the regulations.

Mr. BATTEN: Mr. Chairman, I understand that this clause 27 refers to the small craft. I think that the department could very well lower the rate of horse-power down to five horse-power rather than ten.

With respect to the licensing of operators, I might give you an example. My own family is a good example. In the summer time they have a holiday and do water skiing. My boat is licensed and is the only one amongst 400 which is. On that lake I have had probably six or eight people ask, "what are the numbers on the side of your boat", and I have said, "do you not know that you have to have your boat licensed if it is over ten horse-power?" They say, "no, who is doing that." I say, "write to Lindsay and you will find out; or if you do not, perhaps a policeman might come along some day and you might have to appear in court".

I would suggest that a small advertisement might be put in every weekly newspaper in these tourist areas, not necessarily all across Canada. I think that the department might ask the member of parliament in a particular area to give to the department the names of the local papers that are in the area and then a small advertisement stating that there is such a provision as this.

The government should consider reducing the power from ten horse-power to five horse-power for licensing purposes.

So far as licensing a family is concerned, I own the boat, the number is on the side of it, and I feel it is my responsibility to drive that boat or to see that it is handled properly. I do not think that the department should start to license all the people who might drive a boat in a day. If you start licensing operators it would be a terrific job. I do not think that the department wants to get into that position.

I repeat again that I would like to see some advertisements in all these weekly papers where tourists or people who have these boats will see that they have to be licensed. When they obtain the licence they have the responsibility for the boy or girl who is driving it, or the visitor at their cottage.

Mr. LANGLOIS (*Gaspé*): In response to what has just been said, I must say that we have given quite a good deal of publicity to our present regulations. I do not know how many members of the committee know about this little pamphlet "Safety Afloat", which I am told now is in the second 100,000 of publication. In this you have information as to the regulations concerning licensing of motor-boats and also information as to the equipment which the boats must carry, and the rules of the road together with suggestions as to safety at sea.

Mr. JOHNSTON (*Bow River*): To whom do you send this? Do you send it to interested organizations or individuals?

Mr. NIXON: Would it not be a good idea to give that to the merchant who sells motors or boats and have that merchant give it out with every purchase?

Mr. LANGLOIS (*Gaspé*): These have been distributed to large stores. I am told that Eaton's took 10,000 copies of the booklet to distribute to their own clients. I might say that we welcome any publicity of this kind, like the publicity which we had when the announcement was made in the house that we were contemplating the legislation that is before us. I might add that I was interviewed by many newspapers and radio stations about this legislation and in addition we have received a very great number of letters which indicated that we were getting a pretty good response from the public. This would be to the benefit of boat owners and would help in the application of the proposed regulations.

As far as the operator is concerned, we have not made up our minds, but we are considering the possibility of limiting the age of persons to whom licences will be issued. For example, suggestions have been made that a young person below fifteen should not get a licence to operate a motor-boat unless he is accompanied by an adult. It is also possible that we will have suggestions to the effect that we should limit the horse-power of an engine which is going to be handled by a young person under eighteen years of age. However, as I said a while ago, we are going to obtain the views of all those concerned and take them into consideration before the regulations are finally drafted. If the members are interested, we might circulate this pamphlet to the members of the committee.

Mr. NESBITT: I might say that it is a very good little pamphlet. I have examined it many times very carefully and I have distributed copies around to my friends.

Mr. CARTER: Mr. Chairman, it is evident from what has been said here today that this clause has been made necessary in order to regulate the greatly increasing number of people using outboard pleasure boats on the lakes during summer season. For that reason I do not think that anybody can disagree with the necessity for these regulations.

I was very pleased to hear the parliamentary assistant say that some discretion would be made in the application of them, because when these regulations become law they will be applied everywhere and will include all small boats, as I understand it, everywhere in Canada.

My friend Mr. Nesbitt referred to it as a seasonal problem. Well, it is not a seasonal problem in my country where these regulations are going to include practically all the boats that are used by our inshore fishermen. You

know that our inshore fishermen fish three to five miles offshore in little boats twelve to thirty feet in length powered by three horse-power motors, five horse-power motors and the odd one up to ten horse-power. All these boats will be included. Many of them also have boats in which they use outboard motors. The lobster fishermen in the summer fishes in a small dory, perhaps forty feet long and three or four feet wide, powered with an outboard motor used as an inboard motor, that is fastened to a box going into the bottom of the boat instead of being fastened to the stern.

What we are concerned about in the application of these regulations particularly is that they will not be applied in such a way as to cause any unnecessary inconvenience to these inshore fishermen, and that it will not entail any unnecessary expense. As the parliamentary assistant pointed out, these boats are very small and the fisherman has to carry all his gear and himself in that boat. If you overload that boat with extra equipment, then you are making it unsafe or unusable, which defeats the purpose; in other words, it makes it impossible for the fisherman to utilize his boat to carry on his occupation. Furthermore, the cost of production of fish is very very high in Newfoundland and every care must be taken to see that the cost of production is not unnecessarily increased. In boats that are not decked over, the danger of fire is not nearly as great as in boats which are decked. If a man has a bucket he has a whole ocean to dip into in order to put out a fire, and it is not too necessary to load him up with expensive fire extinguishers which may cost from \$20 to \$30 and which have to be renewed and inspected every year. That runs into quite a bit of money and is not always necessary.

I do hope that when these rules and regulations are made out that provisions will be made to take care of the fishermen in Newfoundland.

There is just one other thought which comes to my mind, and that is in connection with these little boats which are used as tenders to other boats for the purpose of going ashore or as a means of life-saving equipment, and which, in many cases, are powered by outboard motors. I believe under this clause they might also have to be licensed.

Mr. HERRIDGE: Mr. Chairman, I am not going to make a speech. I just wish to make a few observations. I think we are all agreed in this committee that this is a very necessary amendment to the act. For instance, I received my paper from Trail today, and I notice the headline, "Thoughtless neighbours curb pleasure at Christina lake". There is an article about dangerous driving and driving outboard motor-boats to the annoyance of the local inhabitants. I did want to say this, that we seem to have two different points of view; one which appears to look upon this as an elaborate piece of legislation which will involve a large administrative force and a considerable expenditure. I do not view it in that way. In fact, I quite agree with the remarks made by Mr. Carter who preceded me. I think that the attitude taken by the department, as expressed to this committee by the parliamentary assistant, is good; that is that the approach is going to be slow and will necessarily have to be slow in order to be successful. This type of legislation cannot be initiated except with the understanding, education and cooperation of the public and associations generally. By getting in touch with launch associations, resort associations and organizations of that type, I think that you are starting to work in a direction which will be of considerable value.

The CHAIRMAN: And manufacturers of boats.

Mr. HERRIDGE: Yes. All persons of that type who are interested in this. I know in my experience as a member of a launch club for a number of years—we have only a small launch club in the upper Arrow lakes—but as soon as this act required registration of boats it had a good effect because the men who have the boats were pleased with it and they had their boats registered, other people had theirs registered, and this has done something to promote the

standard of interest in this type of craft. You have the law, the regulations, the R.C.M.P. and some other services assisting, and if this legislation is to be successful it will be accomplished because the people concerned think it is necessary and proper.

I personally want to say that I think a booklet is an excellent idea. While newspaper advertising may be all right in the summer, and things of that sort, the instructions have to be placed in the hands of people who will read them and who are interested in them, will understand them and will cooperate.

How is the department going to proceed from now on? How will you find out who these organizations are and how will you proceed to get the cooperation of these groups with a view to calling a conference of persons concerned?

Mr. LANGLOIS (*Gaspé*): I wish to comment briefly on what has been said by Mr. Carter and by Mr. Herridge.

As far as Mr. Carter's remarks are concerned, I can tell him we will keep in mind what he has said about the fishing boats and the fishing trade. He can be sure that it is not our intention to force upon them undue requirements that will prevent them from carrying their trade.

Now, coming to Mr. Herridge's remarks, I must tell him that I agree with him when he says that the registration has done a great deal of good so far. As I said in the house, in the Great Lakes area alone we have over 36,000 boats with motors of over ten horse-power presently registered.

He talks about cooperation. I think we are right in expecting cooperation from the public because we are getting it now to a great extent. I mentioned a while ago the number of letters which we have received from persons interested and also from the manufacturers of motor-boats and engines. I was quite surprised the other day when I received a letter from one of these manufacturers of engines enclosing a pamphlet which was comparable to this one and which I was amazed to learn has been circulated to the clients of this manufacturer for a number of years making suggestions as to safety at sea and outlining the duties of those in charge of these motors, both for their own security and for the security of the public.

Now, Mr. Herridge asks, "how are you going to get this public cooperation". I can tell him that we are now getting an expression of interest from boating organizations. I will again cite as an example these numerous letters which we have received. Also, as I stated to the committee yesterday, we are going to send a questionnaire to all those who we know are interested in boating operations and I am sure that this questionnaire is going to be brought to the attention of others who will also wish to express their views.

I welcome the suggestion made yesterday that this questionnaire be also sent to the members of the committee so that if they know of boating organizations in their own district they may send the questionnaire to those organizations. We will welcome their views and will also seek their suggestions and their cooperation.

I am told that the organizations with which we are presently in touch will give us the names of others interested in this legislation.

Mr. LAVIGNE: May I ask the minister how these booklets have been distributed to date? You tell me that they are now in the second 100,000. How are they being distributed? In my area there are over 4,000 registered boats and this is the first time I have ever heard of anything like this. It is the first time I have heard about them.

Mr. LANGLOIS (*Gaspé*): Mr. Lavigne, they have been in the hands of the stores, and those people who deal in boat equipment, who have shown interest

in having it. As I said a while ago, this is the second 200,000 group of copies of this pamphlet which has been printed so far.

Mr. LAVIGNE: I was going to speak about this this afternoon, but this is the answer to it. There is no use going any further with regard to it. I was interested in finding out how it was distributed. Where we have so many boats registered I think the registration people should put a copy in the hands of the persons for whom they register boats.

Mr. LANGLOIS (*Gaspé*): That is being done.

Mr. LAVIGNE: It is being done? I have not heard about it. We register an awful lot of boats at home. I have one myself that is registered, and last week I had a boat registered for my brother and we did not get any booklet of that sort.

Mr. LANGLOIS (*Gaspé*): You are supposed to get it.

Mr. LAVIGNE: I am certainly going to see that they get them.

Mr. LANGLOIS (*Gaspé*): We will double check on this, Mr. Lavigne.

Mr. HOWE (*Wellington-Huron*): I was rather interested in the research rescue work that we were talking about before. I was wondering if Mr. Langlois, or one of the officials of the department could tell me how many departmental ships there are in the Great Lakes that might be useful for rescue work?

Mr. LANGLOIS (*Gaspé*): I am speaking from memory, but these figures were given in the house the other day. I think there are some nine R.C.M.P. patrol boats in the Lakes. Besides that, we have four departmental ships. We have the *Ste. Heliers*; we have the *Grenville*; we have the *C.P. Edwards*; and we have the *Parry Sound*. We have four departmental boats. In addition to that we have the cooperation of the Trenton air base.

Mr. HOWE (*Wellington-Huron*): Is there any indication there that you might increase this number?

Mr. LANGLOIS (*Gaspé*): I do not plan on increasing our present fleet. We hope to make it more efficient, and to extend its coverage by adding the services of the helicopters, as I mentioned a while ago.

Mr. HOWE (*Wellington-Huron*): Are all those departmental boats going to be equipped with those helicopter platforms?

Mr. LANGLOIS (*Gaspé*): I cannot tell you that all the ships that are presently used will be equipped with helicopters, because in the case of some of the ships it is not feasible to have a helicopter platform. But our replacements of these ships are going to be equipped with helicopters.

Mr. HOWE (*Wellington-Huron*): You mentioned that you were going to use one of them on Lake Huron. Has that gone into service yet?

Mr. LANGLOIS (*Gaspé*): No, it is under tender now.

Mr. HOWE (*Wellington-Huron*): What part of the Lake Huron district will it be used in?

Mr. LANGLOIS (*Gaspé*): It will be based at Parry Sound.

Mr. HOWE (*Wellington-Huron*): It will be based at Parry Sound; thank you.

Mr. BATTEN: Mr. Chairman, I would like to say first of all that I agree very much with the discussion of the regulations that are necessary in respect to the operation of these small boats. But I do say very sincerely that I very definitely object to the rigidity with which some of these rules are applied, in areas particularly where those who apply the rules are neither paying any attention to local conditions, or to the traditions of the area.

Now, I have a case in my riding which I have been trying to deal with for some time, dealing with small boats. I am going to take this opportunity to present this case to this committee. I will put it as briefly as I can. It will be necessary, however, at first, for me to give you some idea of the background. I am speaking about an area known as Humber Arm and the Bay of Islands. It is on the west coast of Newfoundland, and it is open to the Gulf of St. Lawrence. Here, in the early days, there was a great fishing industry. Many places were involved. As has been the history of Newfoundland, when you have a dozen or more places concerned with a fishing industry, it is usually the custom that one place will become the commercial centre in the area that I am talking about there were no roads, and whatever transportation, or communication that had to be done, had to be done by boat. For years these men have been using their boats in the same way as you men use your cars. If you want to go to the railway station, you take your car. If your friend happens to want to go along, you say: "Come along with me; I am going." Over the years this has been the practice in this area.

In 1922 a paper mill was built at Corner Brook. As most people would expect, many of the fishermen left the fishing industry, and found employment with the paper company. Fishermen particularly found employment along the waterfront as stevedores, in the unloading and loading of ships, or the booming of wood, and so on.

Now, here is the situation that has developed: up to a year ago there was no road on one side of the bay; and yet men had to find somehow to get to work at regular times, times which meant they had to leave at 6 o'clock in the morning, or 2 o'clock in the afternoon, or 10 o'clock in the evening to be able to go to their shift work at the mills; or, it was a matter of loading, or unloading boats or booming wood; the hours were very irregular. They usually turned up for work at the times when they were called over the radio.

The R.C.M.P. and possibly some officials of the customs department have been applying some of the regulations already contained in this act, and the regulations that we are thinking about now, with the result that the men who have been carrying one or two passengers in their boats for years have now been denied that right. Now, I am not talking about the fellow who is operating the boat. I should like to say this, I am not talking about boats that are the ordinary flimsy boats that you would use on a lake; I am talking about hand-made boats that are built to withstand the storms of both summer and winter, and I am talking about the man who is as good a boatman as you will find anywhere. Now, if you want to regulate this man, and have those regulations carried out in respect to operating boats, maybe that will be all right. But this is what is happening: a fellow gets up at 6 o'clock in the morning and goes down to the wharf and says, "I am going to go in to the paper mill to work". There are three fellows standing there. They say, "We will go along with you like we did yesterday, last year, and the year before". This fellow says: "No, you cannot go along with me. The R.C.M.P. say that you cannot go along with me because I have not got the life saving equipment, I have not got the fire extinguishing equipment and all that sort of thing." The fellow who owns the boat says, "I am not going to buy this stuff".

What happens? What happens is that the man who owns the boat goes on himself, as he has a right to do, and the fellows who wanted to go to work, and were looking for transportation are left on the wharf. Now, they can, of course, go by road. They could go 20 miles all up around Humber Arm to reach a mill that is $1\frac{1}{4}$ miles away. Now, this, gentlemen, as far as I am concerned is a very serious situation, and one, I think, that needs some consideration.

I agree that your regulations are going to apply to the man that is operating the boat, and I have no objection to that. But, when these regulations work in the reverse order, and when the regulations are preventing men from making a living, there is something wrong with them. Now, there is no other way for this man to get there. Of course, he could go around the bay, as I said before, at a cost of \$2 to go over in the morning, and \$2 to get back in the evening.

Now, I do not know of any of you fellows, who are sitting around this table, who can afford to pay \$4 a day to get to work and back, let alone the longshoremen. I brought this matter up before, and I have had various correspondence with the department about it.

We have already had a member of the Department of Transport go into this area. I believe that he, unintentionally, and unfortunately, left the wrong impression. He says: "There is enough water in the Humber Arm to drown a man". Sure there is, and there is enough water in a bathtub to drown a man. He says that a gasoline engine can catch fire. I agree with that, but it is very unlikely with the number of small boats in Newfoundland, uncovered boats particularly that are propelled by one-lunger engines, that catch on fire is far less than the number of cars that will catch on fire on the highways, far less. Yet the impression left with the people is that because there is enough water in Humber Arm to drown a man, and because there is a possibility of a boat catching on fire, the regulations are going to be applied regardless.

Now, you only have to place yourself in the position of a man, who has been operating boats for years, and who has been operating boats in the same way that you people operate your cars, and when they are told that they cannot take their friend to work at 6 o'clock in the morning, or 10 o'clock in the evening, there is a cause for very bad feeling among these people.

I request through you, Mr. Chairman, and through you to the officials of this department, that this situation be given some consideration. Again, while I agree with the regulations, and agree that they are necessary, I do not agree that they should be implied in their entirety in one particular place. I agree that some regulations are necessary, but I still say that we have to apply those regulations with some sense, and some knowledge of local conditions in the area.

Mr. HODGSON: I am glad that the member from Newfoundland brought this question up, because it is one thing that makes it difficult for the R.C.M.P. to enforce the laws, especially in Newfoundland where they have a new body of police officers, and so on. The same thing will apply to boats on my lake, for instance. People do not know anything about the regulations, and very few of them have licences. Some day there is going to be a Mounted Police officer drop in there, and there will be nothing else for him to do except, probably, give summonses to a hundred boat owners.

Mr. BATTEN: He has got to do that.

Mr. HODGSON: Then this man runs to his member of parliament and says: "What the hell kind of government have we got in Canada. I have to appear in court now. If I want to get a licence I have to go 66 miles to Lindsay to get it". I would suggest to the Minister of Transport, or to the Department of Justice that this Mounted Police officer be armed with licences that he could sell to boat owners for a period of some little time, so that he could get familiar with the regulations, and have an opportunity to buy a proper licence.

Mr. HAHN: Mr. Chairman, I am very surprised to find a pamphlet entitled "Safety Afloat". I did not know we had it. I believe that possibly it is very widely circulated, and that the members of parliament were the last to know

about it. But, I am very pleased to see that there is some measure of control to be exercised. At least the information is being given out, and I would like to compliment the department for doing so.

Mr. LANGLOIS (*Gaspé*): This pamphlet has been referred to in the house on a number of occasions.

Mr. HAHN: It may well have been referred to at times when I was not present in the house.

Mr. LANGLOIS: (*Gaspé*): You are always there.

Mr. HAHN: It seems to be that I am always there. I am not there this afternoon, and something may be referred to there that I will not know of. However, there are certain questions that come to my mind having to do with resort areas. I have a great number of pleasure craft in my area. I do not represent a fishing area alone, though I have discussed that phase of it more extensively than any other. One of the factors that does give me some concern is that I see a number of small rowboats, or other boats, that I can easily recognize as being overcrowded. I trust some way has been found by the department to take care of that situation. When a boat is being licensed, it should be indicated how many passengers are to be carried in it, particularly in some resort areas where the management is so interested in renting boats that they will allow any number of passengers in them, with catastrophic results in some instances.

However, the reason for my rising at this time has to do more particularly with a question that I tried to pose earlier in the committee hearings. The department is quite aware of it. It had to do with the speed boat, or the speed of boats on the Fraser river and its effect upon the fishing vessels as such, and on the fishing gear of the fishermen. It is easily understandable that when tugs pass at excessive speeds, naturally the small fishing boats that are moored along the docks are bound to receive certain injury.

Of course an excessive speed of boats and tugs in a river, when fishermen are fishing, does have a definite effect upon their nets. This has given the fishermen a good deal of concern. They have made representations to the department and they have asked me to do likewise. These requests have been followed. But, Mr. Baldwin—and I am pleased to see he is here today—indicated on May 25 in a letter to me that local members of parliament and other interested persons were advised by the department to discuss the matter among themselves and submit any suggestions which might be helpful to the department, in an endeavour to solve the problem. This has to do with the speed of vessels.

Now, that was the reason for my asking Mr. Langlois earlier if this was the intended meeting, or whether the meeting is one that was supposed to have taken place earlier. I am not finding fault with the fact that such a meeting is being contemplated. I am pleased it is. But, I am rather doubtful that any members of parliament have received any notice of one that has taken place in the past. Now, this does not say a meeting has taken place, but that we have been advised of it. I for one was not advised, to the best of my knowledge. I have not discussed it with too many members of this committee, but I find that a good many of them have not been contacted. Possibly I have not talked to the right individuals.

Now, I was particularly interested in the statement in so far as it says here: it was considered impractical for the department to check the speed of vessels on the Fraser river, and it was therefore not possible to issue regulations under an authority of an order in council. I think no one can appreciate the problem that we run into more than myself in regard to this speed of boats used in plying up and down a river stream such as that. On the other hand, no one

realizes the need for speed regulations any more than I do. I would like to know now, first, whether or not such representations have met with any success by Mr. Baldwin and whether any members have indicated to him how they might control this, because I am very, very interested in discovering the answer to it, as I am sure he is. I do not submit any suggestions, because I had not known about it. But, certainly others were contacted, and possibly he could let me know now if he got any results?

Mr. LANGLOIS (*Gaspé*): Mr. Baldwin will answer that.

Mr. BALDWIN: Mr. Chairman, I am sorry if any misunderstanding resulted from the phraseology in the letter that was addressed to the honourable member. Actually, any reference to consultations and meetings was intended to indicate that we really had in mind both the sittings of this committee, and the subsequent discussions that will be had with the various groups with regard to this whole question.

The matter of a speed limit on water is one on which we have encountered some pretty widely varying opinions, not opinions that are basically opposed to the idea of a limitation of speed, but opinions that vary as to how those can be controlled, or how a limit could be enforced. The basic problem is that to enforce a speed limit you have to have some means of checking the speed. Referring to small boats for a moment, they do not normally carry a speedometer, and the operator perhaps does not know how fast his boat is going. Unless the enforcement officers, or so they tell us, have some means of determining this, any penalty, or enforcement, becomes very difficult. Now, as you know, sir, the minor water navigation regulations do contain a general clause which prohibits the movement of vessels recklessly and in a manner, or at a speed which is dangerous to navigation, or to life and limb, having regard to all the circumstances.

Mr. HAHN: You will notice there that it has to do with dangers to navigation, or dangers to life and limb. These boats are tied to the docks.

Mr. BALDWIN: Dangers to navigation would include docks. I might give an example of a case where we were able to control the limit. Recently one of our departmental vessels suffered some damage in the St. Lawrence river as a result of excessive speed of a ship proceeding down stream from the St. Lawrence ship channel. Now, we do have some limitation there and we are able to know what the speed of the vessel is, because it is a river, and we know at what time the boat passes a given point, and what time it passes the next point; so we know how fast it is going. In this instance we were able to come to the conclusion that the vessel in question had been proceeding faster than was allowed. In the Rideau canal here in Ottawa the canal authorities have a six-mile an hour speed limit. We can keep track of that, because there happen to be roads alongside the canal, and the police can check the speed; but we find quite a wide variation in opinion when we get outside these small number of controllable waters, as to whether it is feasible to put in a miles-per-hour speed limit, and hope to be able to enforce it, or whether you should really have a general provision against excessive speed or reckless navigation.

Mr. HAHN: The question as I see it now resolves itself in this way: whether we are going to be in the position of passing some regulation that we know we are not going to be able to put into effect.

Mr. LANGLOIS (*Gaspé*): You must limit that to speed.

Mr. HAHN: Yes.

Mr. LANGLOIS (*Gaspé*): Your present remark must be limited to speed.

Mr. HAHN: I limit it completely in respect to speed, Mr. Langlois. Thank you for drawing that to my attention. But, I do not think we would be wise—mind you, I think we should have regulations in respect to speed, definitely,

but certainly there must be some mechanism devised that can be used in determining the speed at which boats travel so that if they are in a harbour they can only pass at a certain rate. It just seems to me that where we have such a heavy toll taken as we have in the Fraser river, in respect to our fishing gear, and fishing vessels, it seems to me that some means must be devised whereby we can institute regulations, if we are going to have regulations. Otherwise we are going to continually run into this problem week after week during the full year.

The CHAIRMAN: Mr. Batten, did you get an answer to your question?

Mr. BATTEN: No, I just left it to you, sir, and the parliamentary assistant.

Mr. LANGLOIS (*Gaspé*): Excuse me, Mr. Batten, I should have commented on your remarks before this stage. You have referred to a particular case in a particular place where users of small craft occasionally used these craft to transport friends to and fro between their place of residence and their place of work.

I see your point, that by being too stringent in respect to regulations, you may deprive somebody from earning his own living in some way or another. But, does that not boil down to this: that the owners of these small boats are reluctant to have a minimum of safety requirement, referring particularly to life saving equipment? I am told, for example, that the steamboat inspection branch approved some two or three years ago, and Mr. Cumyn will correct me if I am wrong, a new material which can be used in lieu of big bulky saving equipment such as large rafts, or other equipment of the same nature. This material is small in volume; is very light; can be very easily stowed under the thwarts. For the benefit of the landlubbers, I mean benches. It can be stowed under the thwarts without losing any space in the boat, or affecting its carrying capacity. I think it might be advisable to suggest to your friends out in Newfoundland who find it difficult to comply with the regulations, to get in touch with our steamboat inspection branch and find out about this new material, which is, I am told, in addition to what I have already said, very cheap. They should find out if they can use it, and thus comply with the regulations. What do you call this material Mr. Cumyn?

Mr. CUMYN: Styrefoam.

Mr. LANGLOIS (*Gaspé*): Styrefoam.

Mr. BATTEN: Mr. Chairman, I agree with the parliamentary assistant. I see nothing wrong with what he has said. But, my argument is that the application of the rule, or the regulation is something that applies in the reverse.

Now, as I see the situation, the R.C.M.P. in the area, and the officials of the customs department that operate there, have no choice, if they are going to apply the regulations according to what you said yesterday, on a letter from the advice of the Minister of Transport they will have to go ahead and do this. But, the situation is, that a regulation applies to the man who owns the boat; and when we try to make him comply with the regulations, he says "No, I am not going to do this."

Now, I am not arguing for the man who owns a boat: I am arguing for the man who is left on the dock.

Mr. LANGLOIS (*Gaspé*): I see your point.

Mr. BATTEN: And now, if there was some other way for him to get there, then I would say to this man, "You will have to go the other way." But, as I said before, there is a way, but it is going to cost him \$4 a day. On the other hand, I point out that the boat I am talking about is never at any time more than half a mile from shore, and the total length of his journey is no more than a mile and a quarter.

Mr. LANGLOIS (*Gaspé*): I thought you were interested in the boat owners, but now you are interested in the passengers. Why do you not advise them to buy a life jacket, and they can get in the boat then?

Mr. BATTEN: Mr. Chairman, if you were to talk to a bunch of Newfoundlanders who have been fishing in waters on the ocean that they have to buy a life jacket to go one and a quarter miles, it is not going to get us very far. If someone told me that I have got to buy a life jacket to go one and a quarter miles, I can tell you right now I would have a lot more to say about it than I have to say here.

Mr. GREEN: That is only if you carry passengers.

Mr. LANGLOIS (*Gaspé*): He carries friends; the boat operator carries passengers daily?

Mr. BATTEN: But, Mr. Chairman, do you mean to tell me that just because my friend Jim has got a boat, and he is going to work at six o'clock tomorrow morning, the only way I can get there is to go along with Jim, just to go a mile and a quarter, that quarter of a mile he has got to go to the store and buy life saving equipment?

Mr. GREEN: Do not charge him anything, and you would not have to.

Mr. BATTEN: Yes, I will agree, but that does not solve the problem. This is a way of getting around the regulation, but I do not agree with that. I do not agree there at all. Because the danger of carrying your friend, whether he is carrying them for money or whether he is not, is still there.

Mr. LANGLOIS (*Gaspé*): Mr. Batten, you surely understand that it is very difficult to make exceptions in respect to regulations so that they do not apply to some individuals.

Mr. BATTEN: I agree, Mr. Chairman. But, if you are talking about the fellow who is living in Corner Brook and going out in a pleasure boat and carrying a lot of passengers, if you are talking about that fellow I absolutely agree with you and support you. But, if you are talking about an area where for years and years where boats are going this way, and take along fellows without a boat who are going to this commercial center to see the doctor or the clergyman or the magistrate, or perhaps a fellow who may want five pounds of nails, and he has got to go across one mile and a quarter to get five pounds of nails, and he goes down on the pier and here is a fellow going over for some reason or other of his own, and he says, "Take me across", and he takes him across, and he buys his nails and goes back again, are we going to make a regulation that will stop that man from taking this man cross one mile and a quarter to do his legitimate work? If we are going to do that, gentlemen, then I say you are applying the law too rigidly.

If we are going to talk about a bunch of landlubbers who are trying to operate some pleasure craft, I have no objection to what you are saying. But, here are good boats, and here are men who are the best seamen in this country; and when you tell them they cannot take their friends to work, and take their friends over to the store or over to the doctor, or over to the clergyman, or wherever they want to go, then my objection again is not that of applying the regulation to the boat man; my objection is to applying the regulation to the boatman with the result being that the men who have not got boats are not able to get to the places where they have to go to make a living.

Mr. HERRIDGE: That would apply to the passenger service; not to the regulations.

Mr. BATTEN: If a passenger service were there, I would have no argument. If there were a ferry to carry this man across; if there were some way to get them there I would not be using this argument at all. But they have to go this way, or not at all.

Mr. GREEN: What is the position with regard to people who operate these small vessels as taxis. On the west coast that type of service has been increasing steadily, and there are a lot of water taxis. How are they covered? What are the regulations with regard to them, and what is the difference between the regulations applying to them and those that apply to the man who operates his own boat?

Mr. LANGLOIS (*Gaspé*): Mr. Green, have you got this booklet "Safety Afloat" before you? If you look at the bottom of page 5—look at the whole of page 5, you have all the requirements there regarding these boats. If you look at the bottom of page 5 under the regulations for commercial motor boats under five tons gross carrying paying passengers, there follows a list of the equipment that is required. Have you got this?

Mr. HODGSON: I might say in regard to this application for a boat licence, when you make an application to our officer at Lindsay when you make an application for a licence he sends you back this information on page 7, and on receipt of an application giving the size of your boat, and the size of your motor and everything, he sends you back the licence with the number that goes on your boat; also how many passengers to carry; and what life saving equipment you must have in your boat.

Mr. LANGLOIS (*Gaspé*): That is right.

Mr. HODGSON: But I can see what the member from Newfoundland is getting at. It makes it a very touchy job for the Mounted Police down there to try and enforce these laws in respect to people who have never had a licence on a boat.

Mr. HERRIDGE: Mr. Chairman, in connection with this life saving equipment, have you got anything you can show this committee that has been approved by this department?

Mr. CUMYN: This is a type of life jacket which has been approved recently for small boats.

Mr. HERRIDGE: What does a man of 200 pounds do?

Mr. CUMYN: We have one for each weight of person. We have them for various weights.

Mr. LAVIGNE: Does the law provide that children should wear them at all times when in the boat?

Mr. LANGLOIS (*Gaspé*): No, they must be handy.

Mr. LAVIGNE: They must be handy, but they do not have to have them on?

Mr. CUMYN: No, but they are designed for that purpose.

Mr. HERRIDGE: That is something that the people have been misinformed on; everyone thinks that the children have to have them on.

Now, the other point is—that one might be good—but they sell a lot of material that is similar to that and it is not good; they do not float. I have seen children fall off a wharf with them on, and they do not float. But, still people are under the impression that they are good.

Mr. LANGLOIS (*Gaspé*): Mr. Lavigne, this was raised yesterday, and here is the tag which you referred to.

Mr. LAVIGNE: No, that is not. That is what you told me yesterday. There is a tag like that on it, but there is also a Department of Transport tag—

Mr. LANGLOIS (*Gaspé*): Yes, here it is. The Department of Transport has approved—

Mr. LAVIGNE: Yes, but it also says that it is not good for swimming, or playing around—

Mr. LANGLOIS (*Gaspé*): Not on the Department of Transport approval tag.

Mr. LAVIGNE: On some articles it does. You see, that is what is confusing about it. It says it is approved by the Department of Transport, and then it says on another tag that it is not good for swimming or floating.

Mr. BALDWIN: I think the explanation for that, Mr. Chairman, is that perhaps the life jacket that he is speaking about that was approved was unwrapped kapok. The type we have here has kapok that has a vinyl cover on it which will protect it.

Mr. LAVIGNE: This would not be one of those that were reported in the paper a few days ago, where somebody got drowned; it had come up around the back of the head, and they found him drowned, but he was floating face downwards.

Mr. BALDWIN: The unwrapped one is quite adequate and valuable for life saving purposes, but if you leave them in the water for any length of time they will naturally get water logged.

Mr. LANGLOIS (*Gaspé*): They are good for about two hours in the water.

Mr. NESBITT: There are just one or two questions I would like to have answered, Mr. Langlois. In view of some of the questions that have been asked this afternoon, I would like to ask if the Department of Transport has any facilities available in Lake Ontario and Lake Erie?

Mr. LANGLOIS (*Gaspé*): The *Grenville* is one.

Mr. NESBITT: Which lake is that?

Mr. LANGLOIS (*Gaspé*): Based at Prescott.

Mr. NESBITT: Based at Prescott, that is on the St. Lawrence river. Is there anything on Lake Ontario?

Mr. LANGLOIS (*Gaspé*): That is based at Prescott, but it does its work on Lake Ontario.

Mr. NESBITT: Is there any on Lake Erie?

Mr. LANGLOIS (*Gaspé*): The *Grenville* also goes there. We have one under charter also at Amherstburg.

Mr. NESBITT: Is the department considering having a facility on the eastern end of Lake Erie, for example, from the area from Port Stanley right down to Crystal Beach? I might point out that on July 1st, less than two weeks ago, approximately, out of one very tiny port on the Canadian side 1,750 small boats went out that day to go fishing. That is only one port. There are many other ports with a great number of small boats. That is an area that has probably the heaviest population of small boats. I point that out, because that is where the greatest number of boating accidents have taken place.

In view of the comments that have been made by members, Mr. Chairman—

Mr. LANGLOIS (*Gaspé*): May I answer your question now?

Mr. NESBITT: Yes.

Mr. LANGLOIS (*Gaspé*): When the replacement for the *Grenville* is built, this new ship will be used for both lakes, and the *Grenville* will be available for duties in Lake Erie particularly.

Mr. NESBITT: Oh, yes. The other thing, Mr. Chairman, in view of the various comments of some members: Mr. Carter, Mr. Batten, Mr. Herridge, Mr. Hodgson, it is one thing, I suppose to have regulations, and it is one thing to require boats, which are operated largely by landlubbers and for pleasure purposes in the thickly populated parts of Ontario and Quebec, but it is quite another thing to regulate boats that are used to make a living, and which come under this class of boat in British Columbia and Newfoundland and a

great number of points in Ontario and Quebec, in the heavily populated areas. I think Mr. Chairman, it becomes largely a question of enforcement of the regulations, rather than the regulations themselves.

I think it is probably up to the officers, whoever they may be, who are instructed to enforce the law, as to how carefully they have been instructed as to what discretion is to be used. Taking as an example—and I assume every member of this committee is familiar with it—the regulation in the province of Ontario regarding the speed on the highways. The required speed limit is 50 miles per hour. Those who have had some experience in the administration of law, and most people know that this required 50 miles an hour speed limit is very seldom enforced unless a person is driving at an excess rate of speed under the circumstances, and the regulation is used to check people who are doing just that, and they cannot be caught under some other section of the highway control. But, everyone knows that people are travelling at 50 miles an hour on the clear open highway, and they are not bothered. I think the same application would apply to the operation of boats in places like Newfoundland, as Mr. Batten suggested and in British Columbia, and other ports where boats are used primarily for the purpose of going to work and not for the purpose of pleasure. I think the regulations are more designed for the thickly populated pleasure boat areas operated by land lubbers, and I think that some of these things which have been brought up could be well acted upon in that way.

Mr. CARTER: What Mr. Batten has been complaining about is this—and I have exactly the same situation—the rigid application of the regulations without considering at all the circumstances involved. In Newfoundland where the sea has always been our highway, we have a shortage of roads, and our people have the habit of going from one place to another by boat. Very often there is no other way of going; and because of that fact, nearly every man, or a good many men, have their own private boats just as on the mainland they have motor cars, and for exactly the same purpose.

But because of these regulations, if they are rigidly enforced, you get into a situation which is absurd, because—let us take the case which Mr. Batten mentioned; supposing a man was out in a truck late at night and his truck should break down. He does not know in advance that this is going to happen and he cannot get back with his friend in a boat because these regulations would prevent it. The person with the private boat is not in the passenger business for profit at all, he is just obliging his friend in taking him along. Quite often when a person goes to a place to visit—a person may visit a certain community which is perhaps from 10 to 12 miles away, and when he gets there he may find somebody who wants to go to another place to see a doctor. There are no regular scheduled lines of communication, and everything is done by chance. That sick person has probably been waiting for somebody to come along in order to get a chance to go, or to get a chance to send a message out to the doctor, or to take that person to the doctor. But he cannot take the sick person along because of the regulations, and he cannot give that service to his friend. I do not think that anybody intended the regulations to have that sort of effect.

Mr. LANGLOIS (*Gaspé*): Are you dealing with an emergency case?

Mr. CARTER: These are practically all emergency cases.

Mr. LANGLOIS (*Gaspé*): You must bear it in mind that these regulations are intended as much for the security of the boat owner as they are for the security of the passenger. Take the case of your friend who goes out some 12 miles, and on his way back he is good enough to pick up a friend. Let us suppose his boat does not carry the necessary equipment and there is an accident and it involves the loss of a life. In what legal position would your friend be, for having accepted this passenger without first having complied

with the regulations for the safety of life? Surely he would be in a real legal mess! All the lawyers present would agree with me that we would not recommend it to a client to take such a chance. It is as much for the protection of the boat owner as it is for the security of the passenger.

Mr. CARTER: There must be a certain amount of common sense used in this question.

Mr. LANGLOIS (*Gaspé*): I quite agree.

Mr. CARTER: It reminds me about the story of the Irishman who killed his cow in order to save its life. Therefore I would have to leave my friend there to die or I would have to run the legal risk of taking him along and having him get drowned.

Mr. LANGLOIS (*Gaspé*): I asked you if you were dealing only with emergency cases and you said no. Mr. Batten's case is one which is happening every day with men going back and forth to work and using this means of transportation.

Mr. HAHN: This life preserver bears the stamp of the Department of Transport's steamship inspection branch and it is marked "approved" and the date is given. I want to know if all the lifesaving equipment is approved that it is proper to use?

Mr. LANGLOIS (*Gaspé*): Not all the equipment used. If it is considered safe, then it is approved, if I may put it that way. All that you must carry is approved, and if you refer, Mr. Hahn, to page 2 of this little booklet entitled "Safety Afloat", you will see a section dealing with lifesaving equipment and warning people against the use of equipment which does not bear this approval stamp of the Department of Transport. It even gives two samples of this approval stamp which one must look for before buying any such type of equipment.

Mr. HAHN: May I suggest that this matter be referred by this committee to the Department of National Health and Welfare?

Mr. LANGLOIS (*Gaspé*): The tag complained of is not issued by federal but by the provincial department of Health.

Mr. HAHN: Or that all the provincial departments be advised?

Mr. LANGLOIS (*Gaspé*): To remove it?

Mr. HAHN: No, not to remove it, but that they should not permit the sale of any equipment that is not approved by the Department of Transport. After all, we are here for the purpose of saving lives, and if a person should go to sea thinking that he has a perfectly good life preserver, only to find out in the end that it is of no use, then does he not come within the orbit of the Irishman's cow?

Mr. LANGLOIS (*Gaspé*): Perhaps we should contact the respective provincial ministers of health and draw their attention to the remarks made in this committee on the subject and then leave it to them to take whatever action they may deem proper.

Mr. HAHN: The responsibility would be theirs in that event.

Mr. HAMILTON (*York West*): I am a little out of my depth in this, and it may be that your experts could dispose of it very quickly; but I gather from this clause that we are chiefly dealing with regulations for small boats. I have a couple of questions. First of all, does this bring a small boat within the meaning of section 657 which is the limitation of liability section? If it does so, then I would like to know the answer to this problem: I think you have some type of limitation of liability for all ships; I understand the descriptive word "ship" includes everything not propelled by oars except in the case of fishing vessels; and that the limitation of liability is something like \$172.97 a ton for personal injuries sustained by a person, and \$38.92 a ton for property damage.

I do not have a clue as to what "ton" means here, but I am informed that in the classification of small boats, inland water boats, sedan runabouts, or something, it would mean that if there was a collision in which the owner was not at fault or was not privy to the taking of the boat—that would be a case where the man's son might take the boat out when he had no knowledge about it, or his wife, and this would limit the liability in cases of that kind to a few hundred dollars for damages sustained by others.

Would you kindly tell me with respect to this section as it applies now to these small boats and with respect to collision if there is a limitation of liability of that kind?

Mr. LANGLOIS (*Gaspé*): Well, the interpretation that I place on section 657 and the following having to do with the limitation of liability is that it applies only to registered ships.

Mr. HAMILTON (*York West*): Then the meaning of section 657-1 depends upon the onus of establishing whether the ship is registered in Canada or not.

Mr. LANGLOIS (*Gaspé*): They have to be registered, and whether they are registered in Canada or not does not matter. It might be Canadian, British, Australian or American registration; they do not have to be registered in Canada in order to invoke the limitation.

Mr. HAMILTON (*York West*): So the meaning of the words "being registered" does not necessarily mean registration in Canada?

Mr. LANGLOIS (*Gaspé*): That is right.

Mr. HAMILTON (*York West*): Does the term registration here—do you consider that it does not come under the term "registration"?

Mr. LANGLOIS (*Gaspé*): Licensing is quite different from registration.

Mr. HAMILTON (*York West*): I realize that it is, but I am asking from the standpoint of liability.

Mr. LANGLOIS (*Gaspé*): My answer is no!

Mr. HAMILTON (*York West*): You are quite sure of that, that somebody is not going to try to squeeze the meaning of the thing in a civil liability case, because that would be a very unhappy situation.

Mr. NIXON: Only you lawyers could do that!

Mr. HAMILTON (*York West*): This might make it a field day for the lawyers too.

Mr. LANGLOIS (*Gaspé*): We can take a lot of abuse!

Mr. HAMILTON (*York West*): If there is no limitation on this type of boat, has the department given any thought to some type of provisions along the line of that which we have in the provinces where we have heard that they are going to have compulsory insurance with a type of arrangement whereby if you are involved in an accident once, you have to prove your financial responsibility by means of insurance or by some other means before you can get your licence back again to operate. This is a very serious problem because it was only two days ago, I think, when we read again of a boat which was cut completely in half in one of our northern Ontario lakes, and of the death of two men and of injury to another. If we are going to proceed along the line of licensing, perhaps we should take a further step to ensure that there is limitation of liability, and let us see what we can do to see that there is financial responsibility.

Mr. LANGLOIS (*Gaspé*): No, we have given no thought to it. In the case of a licensed ship, you have not got anything equivalent to the limitation of liability, and in the case of ships which are registered we have given no thought to that compulsory insurance scheme or to a security deposit or the proof of financial responsibility.

Mr. HAMILTON (*York West*): Would the parliamentary assistant consider giving some consideration to it because it would appear that at least in a concentrated period of time during the summer, the incidence of accidents of this kind are almost as great as they are on the highway.

Mr. LANGLOIS (*Gaspé*): We are ready to give consideration to all the suggestions made here today, but as I mentioned in the house as well as in this committee, we are going to proceed slowly in this respect; we are going to consider all the circumstances and to seek the views of as many people as we can before we take a step. Up to now we have not considered taking the step suggested by the hon. member.

Mr. HAMILTON (*York West*): It seems to me that as we go along the line of control it is a step which I always abhor in connection with legislation. I listened to Captain Cumyn this morning when he said that it was going to be dangerous for even an outboard operator to spill a bottle of oil in a lake. If we are going along that line, then I think we should attempt to get some benefit out of that type of legislation, and if there is to be a restrictive type of legislation it should be looked into for the future.

Mr. NESBITT: I believe Mr. Langlois mentioned that in the near future the *Grenville* which is presently based at Prescott and operating largely on lake Ontario will be replaced, as it is hoped, and released for work on lake Erie. Could the parliamentary assistant give us any idea how soon that might be?

Mr. LANGLOIS (*Gaspé*): That is part of our five year program but it is impossible for me to state now when its replacement would be built.

Mr. NESBITT: Would it be five years at the most, or less?

Mr. LANGLOIS (*Gaspé*): It is a five year program, but it is likely to be less; it is pretty hard at this stage to give you a definite date.

Mr. NESBITT: How about the ship for lake Huron?

Mr. LANGLOIS (*Gaspé*): It is under tender now and construction will be started this summer. I would say a year or a year and a half as the time the contract is given, and it would be dependent on the supply of steel.

Mr. NESBITT: Both of these ships as well as the *Grenville* will have to be supplied with helicopters?

Mr. LANGLOIS (*Gaspé*): Both will have that forms for helicopters, but I cannot tell you when the helicopters will be delivered.

Mr. NESBITT: They won't be provided with them necessarily?

Mr. LANGLOIS (*Gaspé*): Helicopters are pretty hard to get.

Mr. BARNETT: Listening to some of the questions raised by Mr. Nesbitt I am very much tempted to pursue the question of marine rescue as it applies to the Pacific coast, but as it might open too much of a discussion I shall forego it. Actually a good many of the matters I have in mind have already been touched upon by other so I shall not repeat their questions. However, I would like to make reference to something touched on earlier in the discussion in respect to the provisions for the licensing of operators of vessels, and to suggest as I did suggest to a certain extent previously that consideration should be given to special attention with respect to the licensing of the operators of small vessels which will be carrying passengers for hire either on regular schedules or on a basis of charter, or as we have come to know them on the west coast, for the operation of water taxis. I must say that most of the operators of these craft that I have had the opportunity to observe personally have exercised great care in regard to seeing to it that they have the necessary lifesaving equipment and the fire fighting equipment, on their boats. However, I would comment that that was not universally the case. That is another question; nevertheless I do feel that the department should consider—as I

gather they are proposing to consider—the issuing of different grades or classes of licences to various operators to operate various types and sizes of boats or to operate them under different conditions.

I feel that parallel to the requirements we have in respect to the operations of public buses or taxis on the highways, it might very well be followed through in respect to the licensing of operators of vessels. I know that there are occasions when vessels are operated for hire on a water taxi basis on the coast, but they are operated by people who are qualified as they should be, and if not there should be some protection not only to the public but to the people who have taken the pains to ensure it that their vessels are operated by qualified people as in the past.

I know that on the British Columbia coast many of those water taxis now are being operated on waters which can be quite dangerous, for example, in the narrows where Ripple Rock is located, and also in many other places when there can be a real hazard, and where the people who are going there should have the assurance that the operator is a man in whom they can trust and who really has good judgment as to whether or not it is safe to make a trip.

If the parliamentary assistant or Mr. Baldwin could enlarge on whether or not that matter is receiving active consideration along the lines suggested, I would be glad to hear about it.

Mr. LANGLOIS (*Gaspé*): My answer is yes, that it is receiving active consideration.

Mr. GREEN: I did not understand part of that question that Mr. Barnett was asking, namely, the various qualifications of these operators and testing them.

Mr. BALDWIN: Special categories you mean for operators which are on a higher award basis?

Mr. GREEN: They will have to be given some sort of tests before they are given a licence?

Mr. BALDWIN: It remains to be considered.

Mr. GREEN: You do not know if they will be licensed merely upon application, or if there will be a test?

Mr. BALDWIN: No. We contemplate something more elaborate than merely issuing a licence to the ordinary small pleasure boat operators, but the difference is not something that we have got the answer to as yet.

Mr. GREEN: How many boats are there now which are licensed under section 107?

Mr. LANGLOIS (*Gaspé*): On the Great Lakes there are 36,000.

Mr. BALDWIN: There are 120,000 in Canada.

Mr. LANGLOIS (*Gaspé*): Exactly, there are 119,845.

Mr. GREEN: How many do you contemplate will be licensed under this provision in the licensing centres?

Mr. LANGLOIS (*Gaspé*): There can be more than one operator for one boat; there could be more operators than there are boats.

Mr. GREEN: Have you given any estimate as to the number that would be licensed?

Mr. BALDWIN: No, we had no basis on which to make such an estimate other than to take this figure and to multiply it, let us say, by two or three. You see, we do not know.

Mr. GREEN: There would also be 200,000 of these licences issued?

Mr. LANGLOIS (*Gaspé*): With two operators for each boat, yes.

Mr. GREEN: How are these provisions going to be handled in dealing with such a large number?

Mr. BALDWIN: We have various ideas such as the use again of our customs officers, and of the R.C.M.P., and possibly in the initial stage, a longer use of voluntary organizations such as the Canadian Power Boat Squadrons, and so on. We fully recognize that it will take quite a little while to set this up and to see about the names of the parties and the warnings which would have to be given.

Mr. GREEN: Did you not say that you would be getting some help from the municipal committees, or from the provincial police as in Ontario?

Mr. BALDWIN: We hope so.

Mr. LANGLOIS (*Gaspé*): We are going to seek their cooperation, as I stated in the house.

Mr. GREEN: In addition to these two types of licences, one being for the vessel and the other being for the operator, you are taking the power to make regulations with regard to particular waters as I understand it. Does that mean that you can have a different type of regulation, let us say, in Newfoundland, than you would have for the Great Lakes?

Mr. BALDWIN: Oh yes, it could possibly be.

Mr. GREEN: Your regulations can apply to only one part of the country?

Mr. LANGLOIS (*Gaspé*): We will have to take into account local conditions. That is what we have in mind. Our regulations may vary according to local conditions.

Mr. GREEN: Under which provision of the act will you be providing for lifesaving equipment or for fire fighting equipment?

Mr. BALDWIN: That also comes under the inspection provisions of the act which are part 7, the inspection part 7 of the act.

Mr. GREEN: You say it is taken care of under part 7. There is nothing about it in this bill.

Mr. HAHN: Mr. Green raised a question relating to one of the earlier problems I raised in respect to my own question, when Mr. Langlois suggested that we seek the cooperation of municipal police. Do they now act with authority if they decide that a boat is travelling too quickly, let us say, on the Fraser river?

Mr. BALDWIN: They would have the authority to do so. I would have to know what particular part of the Fraser river was involved.

Mr. HAHN: I am referring to your letter again in which you suggested that the R.C.M.P. at "Delta" should have the authority there. There are no R.C.M.P. at Ladner, and they have to use municipal police there, and their authority runs all along the south bank of the Fraser river.

Mr. BALDWIN: Any police at all would be in a position to lay an information under the existing regulations if they considered that there has been a violation.

Clause 27 agreed to.

On clause 28.

Mr. LANGLOIS (*Gaspé*): Clause 28 is a very simple one. Section 719, reciprocal services relating to British ships—the Department of Justice has expressed the opinion that if it is desired that section 719(1) should apply to legislation by the Imperial Parliament, this section should be amended so as to remove any doubt as to its application to such legislation.

Clause 28 agreed to.

On clause 29.

Mr. GREEN: I suppose that cannot be altered in any way by the parliament of Canada?

Mr. BALDWIN: No, it is an international agreement.

The CHAIRMAN: Shall Annex (B) be carried at the back of the book?

Agreed to.

Shall we revert now to clause 2 "Exemption from registry"?

Mr. GREEN: Clause 2 is the one which raises the minimum for registration of vessels from 10 tons to 15 tons. I suggested the other day that it was unwise to make that change. I have been looking into it further in the meantime and I am more convinced than ever that there is no point in making a change of this kind.

I came originally from a lake district, in south eastern British Columbia; I was not accustomed at all to deep sea ships until I moved to Vancouver after the first war and there I was very much impressed by how much this registration of ships meant and how practical it was.

It provides a sort of certificate of title system for those ships; and the builders, in my experience, have to comply with the provisions in order that the ship may be registered. I have acted for some ship builders and I think they are particularly careful because of that fact. Once the ship is registered, you have the title to that ship and it may be mortgaged in a formal way under the Canada Shipping Act, and transfers are dealt with under that act. There is a special form for transferring the registry of ships which is quite different from that for non-registered ships in which case you simply use an ordinary transfer; and in the matter of the name too, it is registered, and upon the death of the owner there is provision for transferring the ownership of the ship. All these are covered by the code which is known as the Canada Shipping Act.

I hate to see changes made in this act unless they are made for a very good reason. Incidentally, I find in the annual report of the department that they have 73 different ports of registry where these registrations can be made. It is not as if they were confined to the larger cities; and records are kept, and there is an official list of ships which has been kept for many years by the department and it contains all these vessels down to the minimum of ten tons.

The parliamentary assistant told us yesterday that of the 17,000 ships which are registered, there are 3,354 in the category from 10 tons to 15 tons which would be taken out of the act by this amendment; and of that number there are on the west coast 857 registered ships between 10 and 15 tons.

Mr. LANGLOIS (*Gaspé*): I would not say that they are taken out of the act. They would be licensed and would come under the inspection provisions of the act.

Mr. GREEN: No, they would be taken out of the registration provisions of the act. What does that mean with respect to those 857 ships there now if you come to transfer them; you would not need to comply with the provisions of the Canada Shipping Act and have registration made. That just puts them in the category of those 120,000 to which reference has been made today. They would only have to be licensed and they would no longer have to be registered.

Mr. LANGLOIS (*Gaspé*): Would you mind my correcting a misinterpretation which members seem to place on what I previously stated. You will remember that I mentioned that there are 3,354 ships between 10 and 15 tons. All these ships are already registered, and unless the owners ask that they be withdrawn, they will remain on the register.

Mr. GREEN: If the provision compelling them to register is deleted, then I suggest, Mr. Chairman, that they do not have to bother about the provisions of the Canada Shipping Act.

Mr. LANGLOIS (*Gaspé*): But they are already registered!

Mr. GREEN: Suppose I have a ship of 12 tons which is now registered, and suppose this amendment goes through making it unnecessary to register it unless it is 15 tons. Then that ship can simply be turned over to somebody else without having to comply with the Canada Shipping Act at all.

Mr. CARTER: Not if it is already registered.

Mr. LANGLOIS (*Gaspé*): According to this amendment you have the privilege of registering or of licensing your ship if it is below 15 tons; but if your ship is already registered,—and that is the case with these 3,000 odd ships that I mentioned yesterday—it would have to comply with all the requirements for registered ships as long as it remained on the registry and that until the owner asks to withdraw his ship from the register.

Mr. GREEN: That is not what the amendment says. The clause reads this way: "Ships not exceeding 15 tons register tonnage employed solely in the navigation on the lakes, rivers or coasts of Canada and pleasure yachts not exceeding 15 tons register tonnage wherever employed or operated are exempted from registry under this act".

Mr. LANGLOIS (*Gaspé*): If they are already registered, Mr. Green, they remain as registered ships.

Mr. GREEN: No, there is nothing to say that.

Mr. LANGLOIS (*Gaspé*): You do not have to say it, Mr. Green.

Mr. GREEN: No, but there again it is a matter of interpretation. It says that from now on those ships are exempted from registry. Now, surely that can properly be interpreted to mean that they no longer need to comply with the provisions for registered ships, and so far as licensing is concerned, the licence is a very perfunctory matter, it must of necessity be when we take into consideration that there are 120,000 odd ships that are licensed now. The declaration that is made to license a ship as contained in this form 1503 does not contain—there is no affidavit at all, nothing is sworn. It is simply a signed statement by an applicant which just gives his name, and the fact that he is entitled to a licence, the length, breadth, depth and approximate tonnage of the ship; and then the particulars as to the engine, and so on, and the owner's name.

Now, I think we have gone over the whole situation pretty fully, but I hope that the committee will not approve of a change of that type. I think it is doing harm to all these ships from 10 to 15 tons that are registered. I think also it is going to increase the burden in respect to the licensing of ships, and put those ships under a licensing provision which was never intended for them at all. The licence is intended for the little ships of an entirely different category. There has been no request from any official body such as the Merchants Exchange, or the groups such as the shipbuilders associations, or the people that are directly affected by this change. The parliamentary assistant said yesterday that there had been no request for this alternation. I would hope that the committee would see fit to drop that amendment contained in section 2; the result would be to leave the law as it is at the present time, and that is that vessels of 10 tons or more must be registered in the usual manner.

Mr. LANGLOIS (*Gaspé*): Mr. Chairman, I do not want to waste the time of the committee on this section, but I wish to point out that all we are doing now is seeking an amendment to the present section 8 of the act which says that ships below 10 tons of net tonnage may register, or not. There are many

ships, I would say roughly a thousand ships below 10 tons—of net tonnage which are presently registered. I have here before me the List of Shipping and at page 383 I find that there are many of these ships below 10 tons which are already registered. I have here; two; six; five; nine; three tons, etc.

Mr. GREEN: How many of those are passenger ships?

Mr. LANGLOIS (*Gaspé*): They are not passenger ships.

Mr. GREEN: They have to be registered anyway.

Mr. HOSKING: They are all pleasure craft.

Mr. LANGLOIS (*Gaspé*): It does not matter at all. Passenger ships can be licensed.

Mr. GREEN: Under five tons?

Mr. LANGLOIS (*Gaspé*): That is the inspection regulation you are dealing with below five tons. Below five tons they are not subject to the annual inspection, but they are subject to the spot checks that were mentioned yesterday. I have a whole list of them here, which goes to show that even if a ship is below 10 tons, it can register, and if it does register it has to comply with all the requirements of registration.

Now, as I said yesterday, all that we are seeking by this amendment is to cut down the paper work, and to cut down the red tape when we think that red tape achieves no practical purpose. We have in mind the owner of a boat—not the one who lives in Vancouver, or in a large center where you have all the facilities, but of the boat owner who lives in the outlying districts where those facilities are lacking. Now, we are not insisting on this amendment. We have merely suggested that because our officials, following representations received from some boat owners, have come to the conclusion that we were asking for too much paper work with no practical purpose in sight.

Now, if the committee feels that we should stay with the 10-ton limit that we now have, I have no objection, but I leave it to the committee to decide. However I must say, that it would be one of those rare occasions when a department of government comes to a committee of the house asking them to cut down red tape and to cut down paper work, and it is being turned down by the same committee.

Mr. CARTER: I think we would be in a very weak position if we turned down any request to diminish the red tape.

Mr. LANGLOIS (*Gaspé*): That is what we are doing.

Mr. CARTER: As I see it, this amendment does not affect anybody except the departmental officials. It does not affect the owner; it does not affect the operator. He still has to comply with the same regulations, does he not? He must have the same fire equipment, and everything that touches the operation of the boat is exactly the same as if the boat were registered. If the boat is already registered there is no advantage, as I can see it in withdrawing from the registration. He has paid his fee and has gone through all this misery of getting registered and he may just as well save the trouble of applying for a licence.

Mr. GREEN: Why not use the same argument for 100-ton ships?

Mr. CARTER: Because for the very reason that the parliamentary assistant pointed out. These little boats are numerous. In Newfoundland we have 1,300 settlements, and there are a dozen, or 20 of these small boats—not in every settlement, but there are one or two in every settlement, and in some settlements 30 or 40.

Mr. LANGLOIS (*Gaspé*): And they do not leave our shores.

Mr. CARTER: They do not leave our shores. They do not engage in ocean traffic, or anything like that. You take a person out of Labrador who has a little 10-ton boat, if he has to go through all this formality of filling in these

papers he will never want to have his ship registered. On the other hand, if he has to mortgage his boat, or sell it, or something like that, then he must register it, and other laws compel him to do that. I cannot see how this does any harm to anybody and it does a lot of good to a lot of my people, so I must support it.

Mr. GREEN: You see, Mr. Chairman, we would be only too glad to help Newfoundland, but there is no reason why our laws should be broken down to meet a local situation, and that is what this amounts to. If they have a peculiar situation, let it be covered in some other way, by the department. But, why break down our registration laws to meet a situation of that kind?

Mr. HOSKING: I do not think that is the case. I do not think that should go on the record unchallenged. Mr. Carter has explained how it affects the people in his riding. We have a little lake, Puslinch lake, in my riding and I do not see any sense in having these small boats registered; and the applicant, unless he is a very learned man will have to go to a lawyer and pay a fee—

Mr. GREEN: They do not go to lawyers at all.

Mr. HOSKING: —and have to pay a bill for it in order to have their application papers filled out. It may be quite simple to a great many people, but many in order to fill them out have to pay a lawyer's fee. This is one of the cases where, when there is not a necessity, and where nothing is gained by it, and they can do it if they want to, but they do not have to do it, and the department is willing to get along without it. I do not see why we should force these people into registering their ships. If they want to take their boats across to the United States, they must be registered, because this registration is the same as a passport; it is a birth certificate; it is proof of what that ship is, and it must be registered, and they do that voluntarily. Why, there are 100,000 and some odd registrations of ships.

Mr. LANGLOIS (*Gaspé*): One thousand.

Mr. HOSKING: That is why there are a thousand ships below 10 tons registered. But, that is the reason why they register those ships, because that is their passport. Now, over 10 tons they could do it, but I do not see any reason for requiring these people to have to do it.

Mr. LANGLOIS (*Gaspé*): I leave it to the committee to decide.

Mr. BARNETT: I would just like to say a word or two. I have given some thought to this question raised by Mr. Green. I think, perhaps, coming as he does, from our metropolitan octopus of British Columbia he may see this matter through somewhat different eyes than someone like myself who travels part of the western coast to Vancouver island. I think I am quite safe in saying that for the majority of the fishermen and others who live in those areas, that this is a change which they will welcome. I do not think the situation is a purely local one, confined to Newfoundland. I think we have to recognize that there has been a development on the Pacific coast towards larger boats.

Fishermen, among others, have been in a position financially and otherwise, to increase the size of the vessels they use when they go out off the shores of the west coast and Vancouver island, and the fishing banks there. I do know, from discussions I have had with them, that one of their complaints is the requirement for some of the red tape that involves journeys to Vancouver which are quite lengthy and expensive, and that any provision which may enable them to avoid some of these journeys I think will be welcomed by them. I do not feel that the increase to 15 tons is going to upset the pattern of our shipping on the British Columbia coast seriously. Someone has pointed out that it is very easy for someone in Vancouver, or in the center of Vancouver to go through these provisions. But, for a man in Cayuya or up in Quatsino Sound, it is a very different situation. Not all of our vessels are built in the

shipyards in New Westminster or Vancouver, or Victoria. There are a number of small marine yards operating up the coast. From my observations of the kind of work they have, any suggestion that they are going to lower the specification to which they build vessels, if this amendment carries, I cannot see that it will be well founded in actual practice. So, that as far as I am concerned, I am inclined to feel that this is a step which will meet the convenience of many of the operators of vessels of increasing size on the Pacific coast, and perhaps also in Newfoundland.

The CHAIRMAN: Shall clause 2 carry?

Mr. HAHN: Mr. Chairman, just before that carries, I just have a couple more questions. I notice in the section it refers to ships not exceeding 15 tons. Now, in clause 7 of the bill we see a reference to gross tonnage and in clause 22 there is a reference to gross tonnage. I am just wondering why we do not refer here specifically to gross tonnage? What is the intention?

Mr. LANGLOIS (*Gaspé*): The registered tonnage is equivalent to the net tonnage.

Mr. HAHN: It is the net tonnage. Very well. Then another question. I was possibly not here in the committee when this was first taken up. Possibly we could have the reason for it being 15 tons and not a nominal figure such as 25 tons. What was the argument earlier when the 10 tons suggestion was proposed? Is there any specified reason for it stopping at 15 tons?

Mr. LANGLOIS (*Gaspé*): It was 10 tons when it was fixed many years ago, and that was a purely arbitrary figure. We must have in mind that we are dealing with ships that are plying in our own coastal waters, and never leaving our shores. We find that if the ship does not leave our shores,—it is not big enough to leave our shores,—the registry is not as useful as it might be for a ship that leaves our shores and sails to foreign countries.

Mr. HAHN: Because with modern techniques a 15-ton ship today is the equivalent of a 10-ton net volume, is that the idea?

Mr. LANGLOIS (*Gaspé*): It has no relation to it. I would not be prepared to say that. We figure that is the tonnage below which the formality of registry does not add anything. It does not serve any practical purpose.

The CHAIRMAN: Shall Clause 2 carry.

Clause agreed to.

The CHAIRMAN: Clause 9.

Mr. LANGLOIS (*Gaspé*): We are now on clause 9, and I wish to move the following amendment:

That clause 9 be revoked and the following substituted therefor:

119. (1) Every British subject who

- (a) served as a master of a home-trade, inland waters or minor waters steamship of over ten tons, gross tonnage, for a full period of twelve months within the ten years immediately preceding the date of his application for a certificate of service,
 - (b) produces satisfactory evidence of his sobriety, experience, ability and general good conduct on board ship, and
 - (c) passes the prescribed examination
- is entitled, on payment of the prescribed fee, to a certificate of service as master of a steamship not exceeding three hundred and fifty tons gross tonnage, not carrying passengers and not being a tug, within the limits prescribed by the Minister and specified in the certificate.

(2) The holder of a certificate of service as master of a steamship not exceeding one hundred and fifty tons gross tonnage in force at the date of the coming into force of this subsection retains all the rights and privileges he had under that certificate immediately before that date.

I wish to add by way of explanation that the minister will be empowered to prescribe limitations restricting the certificate. I think this meets the objections which were raised yesterday, when the eventuality was foreseen that one of these seamen in Newfoundland, having acquired his experience in the waters of Newfoundland—coastal waters of Newfoundland only—would get a certificate—and then go and compete for employment with duly qualified and certificated officers on the west coast. That is why we have added this power to the minister to prescribe limits in which such a certificate would be valid.

Mr. GREEN: Mr. Chairman, do you not think that should be 15 tons there?

Mr. LANGLOIS (*Gaspé*): Why?

Mr. GREEN: You have got 10 tons here. Why could it not be 15 tons in both places?

Mr. LANGLOIS (*Gaspé*): We are dealing with a different matter altogether.

The CHAIRMAN: Shall the clause as amended carry?

Clause agreed to.

Shall the title carry?

Mr. HAMILTON (*York West*): Before the title carries, I wonder, sir, if I could ask the indulgence of the committee? I was speaking in the house, and I was not in at the start. I assume you have finished with the oil pollution control. I would like to ask three short questions of Mr. Cumyn. First: in the case of an authority such as the Toronto Harbour Commission, would the federal government be installing the necessary oil pollution control facilities and second, what is the cost of this type of facility; thirdly, since he has mentioned that there are plans ready in case it is needed as a result of the St. Lawrence seaway, how much time is involved in installing a facility of that kind?

Mr. CUMYN: Sir, I think if we were to install a reception facility in the Port of Ontario we would have to do it through our own Department of Transport. If those facilities take the form of a barge to receive the waste oil they would be operated through some private firm. We could empower the Hydro Commission to rent out facilities to a private firm. Possibly the same procedure would be followed if a shore tank was necessary. The cost of a barge of 300 or 400 tons would run into the nature of \$70,000 or \$80,000. We have hoped to be in a position, in some cases, to buy up old barges, or old lighthouse ships that have been condemned by the department, and convert them to this use. The cost of a tank would be in the nature of \$20,000.

Mr. HAMILTON (*York West*): And the time?

Mr. CUMYN: Once it is decided that the facilities are necessary in a certain port it would be a matter of possibly three or four months.

Mr. HAMILTON (*York West*): Thank you.

The CHAIRMAN: Shall I report the bill with amendments?

Some Hon. MEMBERS: Carried.

The CHAIRMAN: I wish to thank Mr. Langlois and the officials of the Department of Transport for the work that they have done and the advice that they have given to the committee. I wish also to thank the members of the committee.

